

COURT OF CRIMINAL APPEALS NO. _____

CR 08 1636

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF _____ JEFFERSON _____ COUNTY, ALABAMA

CIRCUIT COURT NO _____ CC 08 3771-3772

CIRCUIT JUDGE _____ CLYDE E. JONES

Type of Conviction/ Order Appealed From: _____ TRAFFICKING COCAINE & USE/POSSESSION OF DRUG PARAPHERNALIA

Sentence Imposed: _____ LWOP & 12 MONTHS

Defendant Indigent: ☒ YES ☐ NO

DURRELL BESTER

NAME OF APPELLANT

MARTIN EVAN WEINBERG

(Appellant's Attorney)

(Telephone No.)

P.O. BOX 154

(Address)

SHANNON, AL 35214

(City)

(State)

(Zip Code)

V.

STATE OF ALABAMA

NAME OF APPELLEE

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter

name and address of municipal attorney below.

df

(For Court of Criminal Appeals Use Only)

A

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2008 003771.00
 OPER: TED CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 11/30/2009
 IN THE CIRCUIT COURT OF JEFFERSON JUDGE: CEJ

STATE OF ALABAMA VS BESTER DURELL

CASE: CC 2008 003771.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
 SSN: [REDACTED] ALIAS NAMES: BESTER DURELL

CHARGE01: TRAFFICKING-COCAINE CODE01: VDRY LIT: TRAFFICKING-CO TYP: F #: 001
 CHARGE02: FAILURE TO AFFIX STA CODE02: FERI TYP: F #: 001
 OFFENSE DATE: 03/24/2008 AGENCY/OFFICER: 0010000 M EATON

DATE WAR/CAP ISS: DATE ARRESTED: 03/24/2008
 DATE INDICTED: 10/10/2008 DATE FILED: 10/17/2008
 DATE RELEASED: 04/08/2008 DATE HEARING:
 BOND AMOUNT: \$250,000.00 P SURETIES: JELKS LAZANDRA MONIS

DATE 1: DESC: TIME: 0000
 DATE 2: DESC: TIME: 0000

TRACKING NOS: GJ 2008 001997 00 / DC 2008 003379 00 /

DEF/ATY: WEINBERG MARTIN EVAN TYPE: R TYPE:
 P.O. BOX 154

SHANNON AL 35214 00000

PROSECUTOR: FALLS BRANDON KENT

OTH CSE: GJ200800199700 CHK/TICKET NO: GRAND JURY: 92716
 COURT REPORTER: SID NO: 000259194
 EF STATUS: BOND DEMAND: OPER: TED

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPF
10/17/2008	ASSIGNED TO: (CEJ) (AR01)	DET
10/17/2008	INITIAL STATUS SET TO: "B" - BOND (AR01)	DET
10/17/2008	FILED ON: 10/17/2008 (AR01)	DET
10/17/2008	DEFENDANT ARRESTED ON: 03/24/2008 (AR01)	DET
10/17/2008	DEFENDANT INDICTED ON: 10/10/2008 (AR01)	DET
10/17/2008	BOND SET AT: \$250000.00 (AR01)	DET
10/17/2008	ATTORNEY FOR DEFENDANT: BENSON WILLIAM H III (AR01)	DET
10/17/2008	CHARGE 02: FAILURE TO AFFIX STA/#CNTS: 001 (AR01)	DET
10/17/2008	CHARGE 01: TRAFFICKING-COCAINE /#CNTS: 001 (AR01)	DET
10/17/2008	DEFENDANT RELEASED FROM JAIL: 04/08/2008 (AR01)	DET
10/17/2008	NCIC 3599 ALSO 08-3772 (AR01)	DET
10/17/2008	SEE ONLINE CASE ACTION SUMMARY	DET
10/17/2008	CASE ACTION SUMMARY PRINTED AR08	DET
10/17/2008	CAS ATTACHMENT PRINTED (AR08)	DET
11/03/2008	CASE SCANNED STATUS SET TO: N (AR10)	DET
11/03/2008	SET FOR: PRETRIAL DOCKET/HE ON 02/17/2009 AT 0900A	DET
01/13/2009	NOTICE SENT: 01/13/2009 BENSON WILLIAM H III	KBC

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2008 003771.00
 OPER: TED CASE ACTION SUMMARY
 PAGE: 2 CIRCUIT CRIMINAL RUN DATE: 11/30/2009
 IN THE CIRCUIT COURT OF JEFFERSON JUDGE: CEJ

STATE OF ALABAMA VS BESTER DURRELL
 CASE: CC 2008 003771.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
 SSN: [REDACTED] ALIAS NAMES: BESTER DURELL

01/13/2009	NOTICE SENT: 01/13/2009 BESTER DURRELL	KEC
01/13/2009	NOTICE SENT: 01/13/2009 GRAY VICKEY	KEC
01/13/2009	NOTICE SENT: 01/13/2009 JELKS LAZANDRA MONISE	KEC
01/13/2009	NOTICE SENT: 01/13/2009 MALLORY ANGELINA	KEC
01/13/2009	NOTICE SENT: 01/13/2009 MOORE MARILYN	KEC
01/13/2009	NOTICE SENT: 01/13/2009 STEPHENSON TYRONE AUNDRE	KEC
01/13/2009	NOTICE SENT: 01/13/2009 THOMAS RICHARD	KEC
01/21/2009	DEFT DOCKET NOTICE RNF ON DATE 02/17/09	KEC
02/17/2009	MOTION FOR DISCOVERY	KEC
02/18/2009	SET FOR: JURY TRIAL ON 04/06/2009 AT 0900A (AR10)	JUB
02/18/2009	JAIL ID FILED	TEW
02/18/2009	PARTY ADDED W002 FRENCH HATTIE (AW21)	KAC
02/18/2009	PARTY ADDED W003 MORRIS ROGER (AW21)	KAC
02/18/2009	PARTY ADDED W004 STEELE SHERRY (AW21)	KAC
02/18/2009	PARTY ADDED W005 WASHINGTON JUDE (AW21)	KAC
02/18/2009	WITNESS SUBPOENA ISSUED (AW25)	KAC
02/25/2009	SERVICE OF SERVED PERSON ON 02192009 FOR W001 (A	TED
02/25/2009	SERVICE OF SERVED PERSON ON 02192009 FOR W002 (A	TED
02/25/2009	SERVICE OF SERVED PERSON ON 02192009 FOR W003 (A	TED
02/25/2009	SERVICE OF SERVED PERSON ON 02192009 FOR W005 (A	TED
02/26/2009	NOTICE OF STATES INTENT TO PROCEED UNDER	SAW
02/26/2009	HABITUAL OFFENDER STATUTE	SAW
02/26/2009	STATES REQUEST FOR DISCLOSURE	SAW
02/26/2009	NTC OF INTENT TO OFFER PROOF BY CERT OF ANALYSIS	SAW
03/05/2009	SERVICE OF SERVED PERSON ON 02242009 FOR W004 (A	CYC
03/06/2009	NOTICE SENT: 03/06/2009 BESTER DURRELL	KEC
03/06/2009	NOTICE SENT: 03/06/2009 BENSON WILLIAM H III	KEC
04/08/2009	COURT ORDERED PROBATION SERVICES	CYC
04/08/2009	COURT ORDERED PROBATION SERVICES	CYC
04/09/2009	DISPOSITION JUDGE ID CHANGED FROM: TO: CEJ	CYC
04/09/2009	SET FOR: SENTENCING DKT/HEA ON 05/26/2009 AT 0900A	CYC
04/09/2009	CHARGE 02: FAILURE TO AFFIX ST/#CNTS: 001 (AR10)	CYC

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2008 003771.00
 OPER: TED CASE ACTION SUMMARY
 PAGE: 3 CIRCUIT CRIMINAL RUN DATE: 11/30/2009
 IN THE CIRCUIT COURT OF JEFFERSON JUDGE: CEJ

STATE OF ALABAMA VS BESTER DURRELL
 CASE: CC 2008 003771.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
 SSN: [REDACTED] ALIAS NAMES: BESTER DURELL

04/09/2009	CHARGE 01: TRAFFICKING-COCAINE/#CNTS: 001 (AR10)	CYC
04/09/2009	CHARGE 02 DISPOSED BY: CONVICTED ON: 04/08/2009	CYC
04/09/2009	CHARGE 01 DISPOSED BY: CONVICTED ON: 04/08/2009	CYC
04/09/2009	SENTENCE RECORD CREATED FOR CHARGE: 01 (AR10)	CYC
04/09/2009	DRUG FEE 4 PROVISION ORDERED BY THE COURT (AR10)	CYC
04/09/2009	SENTENCE RECORD CREATED FOR CHARGE: 02 (AR10)	CYC
05/26/2009	COMMIT ORDER	CYC
05/26/2009	LETTER	CYC
05/26/2009	PROBATION REPORT	CYC
05/26/2009	DEFENDANT SENTENCED ON: 04/08/2009 (AR05)	CYC
05/26/2009	COURT ORDERED REMITTANCE OF COST (AR05)	CYC
05/26/2009	FINE IMPOSED: \$500.00 (AR05)	CYC
05/26/2009	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	COURT ORDERED REMITTANCE OF FINE (AR05)	CYC
05/26/2009	LIFE W/O PAROLE PROVISION ORDERED BY THE COURT	CYC
05/26/2009	SENTENCE TO BEGIN ON: 05/26/2009 (AR05)	CYC
05/26/2009	CONCURRENT SENTENCE ORDERED BY THE COURT (AR05)	CYC
05/26/2009	COURT ORDER REMITTANCE DRUG FEE 4 (AR05)	CYC
05/26/2009	COURT ORDERED REMITTANCE OF DRUG FEE (AR05)	CYC
05/26/2009	SUBPOENA FEE PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	COURT ORDERED REMITTANCE OF 3CVC (AR05)	CYC
05/26/2009	3CVC AMOUNT ORDERED: \$50.00 (AR05)	CYC
05/26/2009	HISTORY FEE PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	CVCC PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	DRUG FEE AMOUNT ORDERED: \$1000.00 (AR05)	CYC
05/26/2009	COURT ORDERED REMITTANCE OF HISTORY FEE (AR05)	CYC
05/26/2009	COURT ORDERED REMITTANCE OF CVCC (AR05)	CYC
05/26/2009	DEFENDANT SENTENCED ON: 04/08/2009 (AR05)	CYC
05/26/2009	CONCURRENT SENTENCE: 01 CC200800377100 01 (AR05)	CYC
05/26/2009	TOTAL CONFINEMENT: 15 YEARS (AR05)	CYC
05/26/2009	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	SENTENCE TO BEGIN ON: 05/26/2009 (AR05)	CYC

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OPER: TED
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ALABAMA JUDICIAL INFORMATION SYSTEM
CASE ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 2008 003771.00

RUN DATE: 11/30/2009

IN THE CIRCUIT COURT OF JEFFERSON

JUDGE: CEJ

STATE OF ALABAMA

VS

BESTER DURELL

CASE: CC 2008 003771.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
SSN: [REDACTED] ALIAS NAMES: BESTER DURELL

05/26/2009	CONCURRENT SENTENCE ORDERED BY THE COURT	(AR05)	CYC
05/26/2009	IMPOSED CONFINEMENT: 15 YEARS	(AR05)	CYC
05/26/2009	CONCURRENT SENTENCE: 01 CC2008003771.00 02	(AR05)	CYC
05/26/2009	TRANSCRIPT OF RECORD ISSUED: 05/26/2009	(AR08)	CYC
05/27/2009	JAIL CREDIT: 076 DAYS	(AR05)	CYC
05/27/2009	JAIL CREDIT: 076 DAYS	(AR05)	CYC
05/27/2009	TRANSCRIPT # 53299 WAS POSTED TO DOC (ETRN)		CIC
05/28/2009	ELECTRONIC TRANSCRIPT # 53299 WAS ACCEPTED BY DOC		CAC
05/31/2009	DRUG CONV REPORTED TO DPS ON 05312009 FOR VDRY		AOC
06/25/2009	MOTION FOR NEW TRIAL		SAW
07/02/2009	SET FOR: RESTITUTION HEARIN ON 08/10/2009 AT 0900A		CYC
07/06/2009	NOTICE OF APPEARANCE		SAW
07/07/2009	ORDER ON 6/25/09 MOTION SENT TO DA, DEFT, ATTY		BRW
07/08/2009	ATTORNEY FOR DEFENDANT: WEINBERG MARTIN EVAN (AR10)		SAW
07/08/2009	WRITTEN NOTICE OF APPEAL		TED
07/20/2009	CASE APPEALED ON: 07/08/2009	(AR10)	TED
07/20/2009	APPEAL "TO" TYPE: "S"	(AR10)	TED
07/20/2009	CASE ACTION SUMMARY PRINTED	(AR08)	TED
07/21/2009	APPEAL DATE CHANGED FROM: 00/00/0000	(AR11)	TED
07/21/2009	APPEAL TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	IRA TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	COURT REPORTER 1 CHANGED FROM:	(AR11)	TED
07/21/2009	ATTY 2 TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	ATTY 1 TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	ATTY 1 CHANGED FROM:	(AR11)	TED
07/21/2009	ATYW TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	INDTRL TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	PROSECUTOR CHANGED FROM:	(AR11)	TED
07/21/2009	ATTY 2 CHANGED FROM:	(AR11)	TED
07/21/2009	CASE ACTION SUMMARY PRINTED	(AR08)	TED
07/21/2009	ORDER ON HEARING SENT TO DA, DEFT, ATTY		BRW
08/06/2009	DEFICICENY NOTICE RE: REPORTER'S TRANSCRIPT ORDER		TED

ACRO370
OPER: TED
PAGE: 5

ALABAMA JUDICIAL INFORMATION SYSTEM
CASE ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 2008 003771.00

RUN DATE: 11/30/2009

IN THE CIRCUIT COURT OF JEFFERSON

JUDGE: CEJ

STATE OF ALABAMA

VS

BESTER DURELL

CASE: CC 2008 003771.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
SSN: [REDACTED] ALIAS NAMES: BESTER DURELL

08/06/2009	DEFICICENY NOTICE RE: DOCKET FEE	TED
08/06/2009	DEFICICENY NOTICE RE: DOCKETING STATMENT	TED
08/06/2009	NOTICE FROM THE CRT OF CRIMIANL APPEALS	TED
08/06/2009	AMENDED CLERK'S NOTICE OF APPEAL-CORRECTING THE	LAW
08/06/2009	DATE OF SENTENCING	LAW
08/06/2009	AMENDED NOTICE OF APPEAL MAILED TO THE COURT OF	LAW
08/06/2009	CRIMINAL APPEALS, ATTY GENERAL, DA, COURT	LAW
08/06/2009	REPORTER & DEFT'S ATTYS	LAW
08/10/2009	.....	LAW
08/10/2009	.....	LAW
08/10/2009	ATTY WEINBURG IS ATTY ON APPEAL	JUB
08/10/2009	DEFT IS INDIGENT FOR PURPOSE OF APPEAL	JUB
08/10/2009	.....	LAW
08/11/2009	.....	LAW
08/11/2009	.....	LAW
08/11/2009	ATTORNEY FOR DEFENDANT: WEINBERG MARTIN EVAN (AR10)	JUB
08/11/2009	ATTY BENSON WITHDRAWAL GRANTED (AR10)	JUB
08/11/2009	FINE PROVISION ORDERED BY THE COURT (AR05)	JUB
08/11/2009	FINE IMPOSED: \$79150.00 (AR05)	JUB
08/11/2009	ATYW TYPE CHANGED FROM: N (AR11)	LAW
08/11/2009	IRA TYPE CHANGED FROM: N (AR11)	LAW
08/11/2009	MOTION TO W/DRAW AS DEFENSE COUNSEL	LAW
08/11/2009	AMENDED CLERK'S NOTICE TO APPEAL TO SHOW ATTY	LAW
08/11/2009	WM BENSON-W/DRAWN & DEFT INDIGENT ON APPEAL	LAW
08/11/2009	AMENDED NOTICE OF APPEAL & COPY OF ORDERS DATED	LAW
08/11/2009	8/10/09 MAILED TO THE COURT OF CRIMINAL APPEALS	LAW
08/11/2009	ATTY GENERAL, DA, COURT REPORTER, ATTY WM BENSON	LAW
08/11/2009	& ATTY MARTIN WEINBERT	LAW
08/17/2009	ENFORCEMENT STATUS SET TO: "A" (FE52)	LAW
08/17/2009	ENF PLACEMENT STATUS SET TO: "H" (FE52)	LAW
08/17/2009	FREQUENCY AMOUNT SET TO: \$25.00 (FE52)	LAW
08/17/2009	PAYMENT FREQUENCY SET TO: "M" (FE52)	LAW

ACRO370
OPFR: TED
PAGE: 6

ALABAMA JUDICIAL INFORMATION SYSTEM
CASE ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 2008 003771.00

RUN DATE: 11/30/2009

IN THE CIRCUIT COURT OF JEFFERSON

JUDGE: CEJ

STATE OF ALABAMA

VS

BESTER DURRELL

CASE: CC 2008 003771.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
SSN: [REDACTED] ALIAS NAMES: BESTER DURELL

08/18/2009	ORDER FROM THE CRT OF CRIMINAL APPEALS TO THE	TED
08/18/2009	CRT REPORTER	TED
08/27/2009	ORDER FROM THE CRT OF CRIMINAL APPEALS	TED
08/28/2009	REPORTER'S TRANSCRIPT ORDER	TED
09/28/2009	DEFICIENCY NOTICE FROM THE CRT OF CRIMINAL APPEAL	TED
09/29/2009	TO THE CRT REPORTER	TED
10/08/2009	ATTY FEE DECLARATION SENT TO CT ROOM FOR SIGNATURE	LAW
10/09/2009	PAYMENT DELINQUENCY NOTICE RET'D-UNABLE TO FORWARD	CMB
10/14/2009	ATTY FEE DEC SENT TO COMPTROLLER	BRW
10/16/2009	ORDER FROM THE CRT OF CRIMINAL APPEALS, COURT	TED
10/16/2009	REPORTER'S TRANSCRIPT WILL BE ACCEPTED IF FILE BY	TED
10/16/2009	11/9/09.	TED
11/13/2009	FILE RETURNED	JUB
11/16/2009	ORDER FROM THE CRT OF CRIMINAL APPEALS	TED
11/30/2009	CASE ACTION SUMMARY PRINTED (AR08)	TED

ACR352 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2008 003771.00
 OPER: DET CASE ACTION SUMMARY
 AGE: 1 CIRCUIT CRIMINAL RUN DATE: 10/17/2008
 IN THE CIRCUIT COURT OF JEFFERSON COUNTY JUDGE: CEJ

STATE OF ALABAMA VS BESTER DURRELL

CASE: CC 2008 003771.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
 SSN: [REDACTED] ALIAS NAMES: BESTER DURELL

CHARGE01: TRAFFICKING-COCAINE CODE01: VDRY LIT: TRAFFICKING-CO TYP: F #: 001
 CHARGE02: FAILURE TO AFFIX STA CODE02: FPRI TYP: F #: 001
 OFFENSE DATE: 03/24/2008 AGENCY/OFFICER: 0010000 M EATON

DATE WAR/CAP ISS: DATE ARRESTED: 03/24/2008
 DATE INDICTED: 10/10/2008 DATE FILED: 10/17/2008
 DATE RELEASED: 04/08/2008 DATE HEARING:
 BOND AMOUNT: \$250,000.00 P SURETIES: JELKS LAZANDRA MONIS

DATE 1: DESC: TIME: 0000
 DATE 2: DESC: TIME: 0000

TRACKING NOS: GJ 2008 001997 00 / DC 2008 003379 00 /

DEF/ATY: BENSON WILLIAM H III TYPE: A

TYPE:

729 9TH AVENUE S
 BIRMINGHAM AL 35205

PROSECUTOR: FALLS BRANDON KENT

M. H. Anderson

OTH CSE: GJ200800199700 CHK/TICKET NO: GRAND JURY: 92716
 COURT REPORTER: SID NO: 000259194
 DEF STATUS: BOND DEMAND: OPER: DET

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
10/17/2008	ASSIGNED TO: (CEJ) (AR01)	DET
10/17/2008	INITIAL STATUS SET TO: "B" - BOND (AR01)	DET
10/17/2008	FILED ON: 10/17/2008 (AR01)	DET
10/17/2008	DEFENDANT ARRESTED ON: 03/24/2008 (AR01)	DET
10/17/2008	DEFENDANT INDICTED ON: 10/10/2008 (AR01)	DET
10/17/2008	BOND SET AT: \$250000.00 (AR01)	DET
10/17/2008	ATTORNEY FOR DEFENDANT: BENSON WILLIAM H III (AR01)	DET
10/17/2008	CHARGE 02: FAILURE TO AFFIX STA/#CNTS: 001 (AR01)	DET
10/17/2008	CHARGE 01: TRAFFICKING-COCAINE /#CNTS: 001 (AR01)	DET
10/17/2008	DEFENDANT RELEASED FROM JAIL: 04/08/2008 (AR01)	DET
10/17/2008	NCIC 3599 ALSO 08-3772 (AR01)	DET
10/17/2008	SEE ONLINE CASE ACTION SUMMARY	DET

SCANNED MAY - 7 2009

CRO369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 2008 003771.00
JUDGE ID: CEJ

STATE OF ALABAMA

VS

BESTER DURRELL

DATE

ACTION, JUDGMENTS, CASE NOTES

JUDGES NOTES AND ORDERS

11-3-08

Set for pre-trial hearing before

Judge Jones on 2-17-09

at 9:00 A.M. o'clock.

Clyde E. Jones

2-17-09

Set for Trial Before Judge Clyde E. Jones

on 4-6-09 at 9:00 A.M. O'Clock

Clyde E. Jones

SCANNED MAY - 7 2009

7-1-09 Case set for Restitution Hrg on 8-10-09 at 9:00AM

Clyde E. Jones

SCANNED NOV 18 2009

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
TENTH JUDICIAL CIRCUIT - CRIMINAL DIVISION

STATE OF ALABAMA,
PLAINTIFF,

vs.

DURRELL BESTER
DEFENDANT.

CASE NO. CC2008-3771,
CC2008-3772

VERDICT FORM

WE, THE JURY, FIND THE DEFENDANT, DURRELL BESTER,

CC2008-3771:

☒ COUNT (1) GUILTY OF TRAFFICKING IN COCAINE
☐ NOT GUILTY

☒ COUNT (2) GUILTY OF FAILURE TO AFFIX TAX STAMP
☐ NOT GUILTY

CC2008-3772:

☒ GUILTY OF POSSESSION OF DRUG PARAPHERNALIA
☐ NOT GUILTY

April 8, 2009
DATE

[Signature]
FOREPERSON

[Signature]
CIRCUIT JUDGE

SCANNED MAY - 7 2009

State of Alabama
Unified Judicial System

Rev. 2/01

Case Action Summary

SENTENCING ORDER

Case Number:

08-3771

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

State of Alabama v.

Durrell Bester

Page 1 of pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

5-26-09

The Court asked the defendant if he/she had anything to say why the sentence of law should not be imposed against him/her and the defendant having had his/her say or had nothing to say.

It is the judgment of the Court that the defendant is sentenced to the custody of the Commissioner of the Department of Corrections for a period of 15 year(s) and 0 month(s) 0 day(s).

The Defendant's sentence is suspended and the defendant is placed on years of supervised probation. Condition and terms of probation are as listed in the probation order, which is incorporated herein by reference.

"SPLIT SENTENCE"

It is the judgment of the Court that the defendant be sentenced under the "Split Sentence" Provisions of 15-8-18. Defendant is sentenced to a term of years, years to actually serve in a jail type institution or penitentiary, the execution of the remainder of said sentence is suspended pending defendant's good behavior and defendant is placed on supervised probation for years, to commence upon release from state custody.

THE FOLLOWING COSTS ARE ASSESSED AGAINST THE DEFENDANT:

Case Fine \$ 500.00

Victim's Compensation Fund \$50.00

Alabama Forensic Services Trust Fund \$100.00

Drug Demand Reduction Act \$1000.00 \$2000.00

Defendant is required to attend TASC until released by them.

Defendant is to perform hours of community service in a non-profit organization or church.

The Department of Public Safety is hereby ordered to suspend the defendant's Driver's License for a period of six months from today's date.

+Mandatory 5 years under Rule 13A-12-250 - school

+Mandatory 5 years under Rule 13A-12-270 - housing project

Defendant is to make restitution in the amount of \$

payable to the Circuit Clerk for and on behalf of:

Restitution, fines, and costs are to be paid at the rate of \$ 50 per month, beginning the day of , 200 and each month thereafter until paid in full/ beginning 12 days after release and each month thereafter until paid in full.

The Clerk is authorized to accept partial payments for all Court ordered monies.

Defendant is to be given credit for all of the actual time spent incarcerated in The Jefferson County Jail awaiting trial on this cause unless he/she was serving time for another offense.

This Sentence is to be served concurrently with 2008-3777

You do ~~not~~ have the right to appeal unless you specifically reserved the issue(s) in writing prior to this plea.

SCANNED JUN 18 2009

CIRCUIT JUDGE

State of Alabama
Unified Judicial System

Rev. 2/01

Action Summ.
SENTENCING ORDER

Case Number:

C 008-377/

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

State of Alabama v. Durrell Boster

Page 1 of pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

5-26-09

The Court asked the defendant if he/she had anything to say why the sentence of law should not be imposed against him/her and the defendant having had his/her say or had nothing to say.

☒ It is the judgment of the Court that the defendant is sentenced to CC 1/ of the Commissioner of the Department of Corrections for a period of 10 year(s) and 0 month(s) day(s). Life w/ Parole

☐ The Defendant's sentence is suspended and the defendant is placed on years of supervised probation. Condition and terms of probation are as listed in the probation order, which is incorporated herein by reference.

"SPLIT SENTENCE"

☐ It is the judgment of the Court that the defendant be sentenced under the "Split Sentence" Provisions of 15-8-18. Defendant is sentenced to a term of years, years to actually serve in a jail type institution or penitentiary, the execution of the remainder of said sentence is suspended pending defendant's good behavior and defendant is placed on supervised probation for years, to commence upon release from state custody.

THE FOLLOWING COSTS ARE ASSESSED AGAINST THE DEFENDANT:

- ☒ Case Fine \$ None
- ☒ Victim's Compensation Fund \$50.00
- ☐ Alabama Forensic Services Trust Fund \$100.00
- ☐ Drug Demand Reduction Act \$1000.00 \$2000.00
- ☐ Defendant is required to attend TASC until released by them.
- ☐ Defendant is to perform hours of community service in a non-profit organization or church
- ☐ The Department of Public Safety is hereby ordered to suspend the defendant's Driver's License for a period of six months from today's date.
- ☐ +Mandatory 5 years under Rule 13A-12-250 - school
- ☐ +Mandatory 5 years under Rule 13A-12-270 - housing project
- ☐ Defendant is to make restitution in the amount of \$ payable to the Circuit Clerk for and on behalf of:

28,000 Top Stamp + 50,000 Traf
= 78,000.

☒ Restitution, fines, and costs are to be paid at the rate of \$ 50 per month, beginning the day of , 200 and each month thereafter until paid in full/ beginning 60 days after release and each month thereafter until paid in full.

☒ The Clerk is authorized to accept partial payments for all Court ordered monies.
☐ Defendant is to be given credit for all of the actual time spent incarcerated in The Jefferson County Jail awaiting trial on this cause unless he/she was serving time for another offense.
☐ This Sentence is to be served concurrently with C 008-3772

You do ~~not~~ have the right to appeal unless you specifically reserved the issue(s) in writing prior to this plea.

SCANNED JUN 18 2009
CIRCUIT JUDGE

[Signature]

State of Alabama
Unified Judicial System

Rev. 2/01

Case Action Summary

Case Number:

CC08-3771,72

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

State of Alabama v.

Durrell Bester

Page 1 of pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

8-5-09

ORDER BACK

Department of Corrections and Institutions is ordered

To have Durrell Bester in court

on the 10th day of Aug., 2008

at 9:00 a.m. for Restitution H&G

[Signature]

CIRCUIT JUDGE

RECEIVED IN OFFICE
AUG 10 2009
ANNE-MARIE ADAMS
Clerk

SCANNED NOV 16 2009

State of Alabama Unified Judicial System	ALABAMA JUDICIAL DATA CENTER CASE ACTION SUMMARY CONTINUATION		Case Number 08-377612
Style:	Durrell Bester		
Date	JUDGES NOTES AND ORDERS		
8-10-09	<p>Motion B. Leithman for entry into W. Chain H. Bester is hereby granted Mr. Leithman's motion on appeal - Dep is indigent for purpose of appeal</p> <p><i>[Signature]</i></p>		
8-10-09	<p>By agreement of the parties, the dep is hereby fined \$9,150.00 in day fines based upon the amount of up days. See Prob. A, W. Chain</p> <p><i>[Signature]</i></p>		

SCANNED NOV 16 2009

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2008 003772.00
 OPER: TED CASE ACTION SUMMARY
 AGE: 1 CIRCUIT CRIMINAL RUN DATE: 11/30/2009
 IN THE CIRCUIT COURT OF JEFFERSON JUDGE: CEJ

STATE OF ALABAMA VS BESTER DURRELL
 CASE: CC 2008 003772.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
 SSN: [REDACTED] ALIAS NAMES:

CHARGE01: USE/POSS DRUG PARAPH CODE01: VDR1 LIT: USE/POSS DRUG TYP: M #: 001
 OFFENSE DATE: 03/24/2008 AGENCY/OFFICER: 0010000 M EATON

DATE WAR/CAP ISS: DATE ARRESTED: 03/24/2008
 DATE INDICTED: DATE FILED: 10/17/2008
 DATE RELEASED: 04/08/2008 DATE HEARING:
 BOND AMOUNT: \$3,000.00 P SURETIES: MYRICKS LOQUITTA

DATE 1: DESC: TIME: 0000
 DATE 2: DESC: TIME: 0000

TRACKING NOS: DC 2008 003378 00 /

DEF/ATY: WEINBERG MARTIN EVAN
 P.O. BOX 154

TYPE: R

TYPE:

SHANNON

AL 35214

00000

PROSECUTOR: FALLS BRANDON KENT

OTH CSE: DC200800337800 CHK/TICKET NO: 530697 GRAND JURY:
 COURT REPORTER: SID NO: 000259194
 DME STATUS: BOND DEMAND: OPER: TED

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPR
10/17/2008	ASSIGNED TO: (CEJ) CLYDE E JONES (AR01)	DET
10/17/2008	INITIAL STATUS SET TO: "B" - BOND (AR01)	DET
10/17/2008	FILED ON: 10/17/2008 (AR01)	DET
10/17/2008	DEFENDANT ARRESTED ON: 03/24/2008 (AR01)	DET
10/17/2008	ATTORNEY FOR DEFENDANT: BENSON WILLIAM H III (AR01)	DET
10/17/2008	BOND SET AT: \$3000.00 (AR01)	DET
10/17/2008	DEFENDANT RELEASED FROM JAIL: 04/08/2008 (AR01)	DET
10/17/2008	CHARGE 01: USE/POSS DRUG PARAPH/#CNTS: 001 (AR01)	DET
10/17/2008	DC TRANSFER ALSO 08-3771 (AR01)	DET
10/17/2008	PARTY ADDED S001 MYRICKS LOQUITTA (AW21)	DET
10/17/2008	SEE ONLINE CASE ACTION SUMMARY	DET
10/17/2008	CASE ACTION SUMMARY PRINTED AR08	DET
10/17/2008	CAS ATTACHMENT PRINTED (AR08)	DET
11/03/2008	CASE SCANNED STATUS SET TO: N (AR10)	DET
11/03/2008	SET FOR: PRETRIAL DOCKET/HE ON 02/17/2009 AT 0900A	DET
01/13/2009	NOTICE SENT: 01/13/2009 BENSON WILLIAM H III	KEC
01/13/2009	NOTICE SENT: 01/13/2009 BESTER DURRELL	KEC

ACRO370
OPPR: TED
PAGE: 2

ALABAMA JUDICIAL INFORMATION SYSTEM
CASE ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 2008 003772.00

RUN DATE: 11/30/2009

IN THE CIRCUIT COURT OF JEFFERSON

JUDGE: CEJ

STATE OF ALABAMA

VS

BESTER DURRELL

CASE: CC 2008 003772.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
SSN: [REDACTED] ALIAS NAMES:

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
01/13/2009	NOTICE SENT: 01/13/2009 MYRICKS LOQUITTA	KEC
01/21/2009	DEFT DOCKET NOTICE RNF ON DATE 02/17/09	KEC
02/17/2009	PLEA OF NOT GUILTY & WAIVER FILED	JUB
02/17/2009	MOTION FOR DISCOVERY	KEC
02/18/2009	SET FOR: JURY TRIAL ON 04/06/2009 AT 0900A (AR10)	JUB
02/18/2009	JAIL ID FILED	TEW
02/18/2009	WITNESS SUBPOENA ISSUED (AW25)	KAC
02/25/2009	SERVICE OF SERVED PERSON ON 02192009 FOR W002 (A	TED
02/25/2009	SERVICE OF SERVED PERSON ON 02192009 FOR W001 (A	TED
03/06/2009	NOTICE SENT: 03/06/2009 BESTER DURRELL	KEC
03/06/2009	NOTICE SENT: 03/06/2009 BENSON WILLIAM H III	KEC
05/26/2009	COMMITT ORDER	CYC
05/26/2009	DISPOSITION JUDGE ID CHANGED FROM: TO: CEJ	CYC
05/26/2009	CHARGE 01 DISPOSED BY: GUILTY PLEA ON: 05/26/2009	CYC
05/26/2009	CHARGE 01: USE/POSS DRUG PARAP/#CNTS: 001 (AR10)	CYC
05/26/2009	SENTENCE RECORD CREATED FOR CHARGE: 01 (AR10)	CYC
05/26/2009	DRUG FEE 1 PROVISION ORDERED BY THE COURT (AR10)	CYC
05/26/2009	DEFENDANT SENTENCED ON: 05/26/2009 (AR05)	CYC
05/26/2009	SENTENCE TO BEGIN ON: 05/26/2009 (AR05)	CYC
05/26/2009	TOTAL CONFINEMENT: 12 MONTHS (AR05)	CYC
05/26/2009	SUBPOENA FEE PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	FINE IMPOSED: \$100.00 (AR05)	CYC
05/26/2009	IMPOSED CONFINEMENT: 12 MONTHS (AR05)	CYC
05/26/2009	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	COMM SERV PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	COMMUNITY SERVICE HOURS ASSIGNED: 0010 (AR05)	CYC
05/26/2009	CONCURRENT SENTENCE ORDERED BY THE COURT (AR05)	CYC
05/26/2009	HISTORY FEE PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	CVCC PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	FINE PROVISION ORDERED BY THE COURT (AR05)	CYC
05/26/2009	COST PROVISION ORDERED BY THE COURT (AR05)	CYC

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2008 003772.00
 OPER: TED CASE ACTION SUMMARY
 PAGE: 3 CIRCUIT CRIMINAL RUN DATE: 11/30/2009
 IN THE CIRCUIT COURT OF JEFFERSON JUDGE: CEJ

STATE OF ALABAMA VS BESTER DURRELL
 CASE: CC 2008 003772.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
 SSN: [REDACTED] ALIAS NAMES:

05/26/2009	ENFORCEMENT STATUS SET TO: "J"	(FE52)	CYC
05/26/2009	PAYMENT DUE DATE SET TO: 06/24/2011	(FE52)	CYC
05/26/2009	TRANSCRIPT OF RECORD ISSUED: 05/26/2009	(AR08)	CYC
05/27/2009	JAIL CREDIT: 076 DAYS	(AR05)	CYC
05/27/2009	TRANSCRIPT # 53298 WAS POSTED TO DOC (ETRN)		CIC
05/28/2009	ELECTRONIC TRANSCRIPT # 53298 WAS ACCEPTED BY DOC		CAC
06/25/2009	MOTION FOR NEW TRIAL		SAW
07/02/2009	SET FOR: RESTITUTION HEARIN ON 08/10/2009 AT 0900A		CYC
07/06/2009	NOTICE OF APPEARANCE		SAW
07/07/2009	ORDER ON HEARING SENT TO DA, DEFT, ATTY		BRW
07/08/2009	ATTORNEY FOR DEFENDANT: WEINBERG MARTIN EVAN (AR10)		SAW
07/08/2009	WRITTEN NOTICE OF APPEAL		TED
07/21/2009	APPEAL DATE CHANGED FROM: 00/00/0000	(AR11)	TED
07/21/2009	APPEAL TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	INDTRL TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	IRA TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	COURT REPORTER 1 CHANGED FROM:	(AR11)	TED
07/21/2009	ATYW TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	ATTY 2 TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	ATTY 2 CHANGED FROM:	(AR11)	TED
07/21/2009	ATTY 1 TYPE CHANGED FROM:	(AR11)	TED
07/21/2009	ATTY 1 CHANGED FROM:	(AR11)	TED
07/21/2009	PROSECUTOR CHANGED FROM:	(AR11)	TED
07/21/2009	CASE ACTION SUMMARY PRINTED	(AR08)	TED
07/21/2009	ORDER ON HEARING SENT TO DA, DEFT, ATTY		BRW
07/23/2009	CHARGE 01: USE/POSS DRUG PARAP/#CNTS: 001	(AR10)	LAW
07/23/2009	DRUG FEE 1 PROVISION ORDERED BY THE COURT	(AR10)	LAW
07/23/2009	CHARGE 01 DISPOSED BY: CONVICTED ON: 05/26/2009		LAW
08/06/2009	DEFICICENY NOTICE RE: DOCKETING STATMENT		TED
08/06/2009	DEFICICENY NOTICE RE: REPORTER'S TRANSCRIPT ORDER		TED
08/06/2009	DEFICICENY NOTICE RE: DOCKET FEE		TED
08/06/2009	NOTICE FROM THE CRT OF CRIMIANL APPEALS		TED

CASE: CC 2008 003772.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
SSN: [REDACTED] ALIAS NAMES:

08/10/2009	.....	LAW
08/10/2009	ATTY BENSON WITHDRAWAL GRANTED (AR10)	LAW
08/10/2009	DEFT IS INDIGENT FOR PURPOSE OF APPEAL	LAW
08/10/2009	MOTION TO WITHDRAW AS DEFENSE COUNSEL	JUB
08/11/2009	ATTORNEY FOR DEFENDANT: WEINBERG MARTIN EVAN (AR10)	LAW
08/11/2009	.....	LAW
08/11/2009	ATYW TYPE CHANGED FROM: N (AR11)	LAW
08/11/2009	IRA TYPE CHANGED FROM: N (AR11)	LAW
08/11/2009	AMENDED CLERK'S NOTICE TO APPEAL TO SHOW ATTY	LAW
08/11/2009	WM BENSON-W/DRAWN & DEFT INDIGENT ON APPEAL	LAW
08/11/2009	ATTORNEY FOR DEFENDANT: WEINBERG MARTIN EVAN (AR10)	JUB
08/11/2009	ATTY BENSON WITHDRAWAL GRANTED (AR10)	JUB
08/11/2009	AMENDED NOTICE OF APPEAL & COPY OF ORDERS DATED	LAW
08/11/2009	8/10/09 MAILED TO THE COURT OF CRIMINAL APPEALS	LAW
08/11/2009	ATTY GENERAL, DA, COURT REPORTER, ATTY WM BENSON	LAW
08/11/2009	& ATTY MARTIN WEINBERT	LAW
08/18/2009	ORDER FROM THE CRT OF CRIMINAL APPEALS TO THE	TED
08/18/2009	CRT REPORTER	TED
08/28/2009	REPORTER'S TRANSCRIPT ORDER	TED
09/28/2009	DEFICIENCY NOTICE FROM THE CRT OF CRIMINAL APPEAL	TED
09/28/2009	TO THE CRT REPORTER	TED
10/16/2009	ORDER FROM THE CRT OF CRIMINAL APPEALS, COURT	TED
10/16/2009	REPORTER'S TRANSCRIPT WILL BE ACCEPTED IF FILE BY	TED
10/16/2009	11/9/09.	TED
11/13/2009	FILE RETURNED	JUB
11/16/2009	ORDER FROM THE CRT OF CRIMINAL APPEALS	TED
11/30/2009	CASE ACTION SUMMARY PRINTED (AR08)	TED

ACRO369 ALABAMA JUDICIAL INFORMATION CENTER

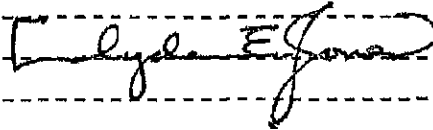
CASE ACTION SUMMARY
CONTINUATIONCASE: CC 2008 003772.00
JUDGE ID: CEJ

STATE OF ALABAMA VS BESTER DURRELL

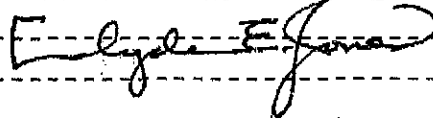
DATE ACTION, JUDGMENTS, CASE NOTES

JUDGES NOTES AND ORDERS

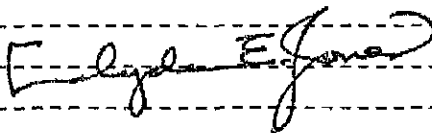
11-3-08

Set for pre-trial hearing before
Judge Jones on 2-7-09
at 9:00 A.M. o'clock.

2-17-09

Set for Trial Before Judge Clyde E. Jones
on 4-6-09 at 9:00 A.M. O'Clock

4-8-09

This case continued to
5-26-09 at
9:00 o'clock
for SMT

SCANNED MAY - 7 - 2009

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
TENTH JUDICIAL CIRCUIT - CRIMINAL DIVISION

STATE OF ALABAMA,)	
PLAINTIFF,)	
)	
vs.	)	CASE NO. CC2008-3771,
DURRELL BESTER	)	CC2008-3772
DEFENDANT.)	

VERDICT FORM

WE, THE JURY, FIND THE DEFENDANT, DURRELL BESTER,

CC2008-3771:

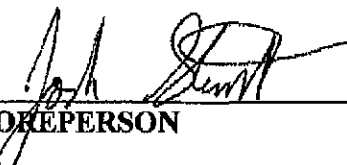
☒ COUNT (1) GUILTY OF TRAFFICKING IN COCAINE
☐ NOT GUILTY

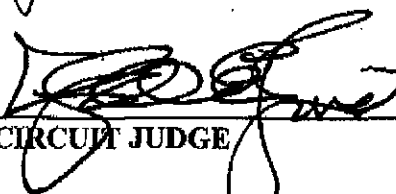
☒ COUNT (2) GUILTY OF FAILURE TO AFFIX TAX STAMP
☐ NOT GUILTY

CC2008-3772:

☒ GUILTY OF POSSESSION OF DRUG PARAPHERNALIA
☐ NOT GUILTY

April 8, 2009
DATE


FOREPERSON


CIRCUIT JUDGE

Case Action Summary
SENTENCING ORDER

Case Number:

08-3772

Rev. 2/01

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

State of Alabama v.

Durrell Bester

Page 1 of pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

S-24-09

The Court asked the defendant if he/she had anything to say why the sentence of law should not be imposed against him/her and the defendant having had his/her say or had nothing to say.

It is the judgment of the Court that the defendant is sentenced to the custody of the Commissioner of the Department of Corrections for a period year(s) and 12 month(s) day(s).

The Defendant's sentence is suspended and the defendant is placed on 12 years of supervised probation. Condition and terms of probation are as listed in the probation order, which is incorporated herein by reference.

"SPLIT SENTENCE"

It is the judgment of the Court that the defendant be sentenced under the "Split Sentence" Provisions of 15-8-18. Defendant is sentenced to a term of years, years to actually serve in a jail type institution or penitentiary, the execution of the remainder of said sentence is suspended pending defendant's good behavior and defendant is placed on supervised probation for years, to commence upon release from state custody.

THE FOLLOWING COSTS ARE ASSESSED AGAINST THE DEFENDANT:

Case Fine \$ 100.00

Victim's Compensation Fund \$50.00

Alabama Forensic Services Trust Fund \$100.00

Drug Demand Reduction Act \$1000.00 \$2000.00

Defendant is required to attend TASC until released by them.

Defendant is to perform hours of community service in a non-profit organization or church

The Department of Public Safety is hereby ordered to suspend the defendant's Driver's License for a period of six months from today's date.

+Mandatory 5 years under Rule 13A-12-250 - school

+Mandatory 5 years under Rule 13A-12-270 - housing project

Defendant is to make restitution in the amount of \$
payable to the Circuit Clerk for and on behalf of:

Restitution, fines, and costs are to be paid at the rate of \$ 25 per month, beginning the day of , 200 and each month thereafter until paid in full/ beginning 30 days after release and each month thereafter until paid in full.

The Clerk is authorized to accept partial payments for all Court ordered monies.

Defendant is to be given credit for all of the actual time spent incarcerated in The Jefferson County Jail awaiting trial on this cause unless he/she was serving time for another offense.

This Sentence is to be served concurrently with CC 08-3771

You do not have the right to appeal unless you specifically reserved the issue(s) in writing prior to this plea.


CIRCUIT JUDGE

SCANNED JUN 18 2009

State of Alabama
Unified Judicial System

Rev. 2/01

Case Action Summary

Case Number:

CC08-3771, 72

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

State of Alabama v.

Durrell Bester

Page 1 of pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

8-5-09

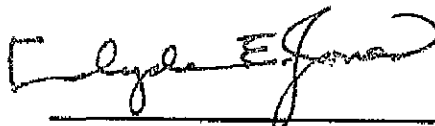
ORDER BACK

Department of Corrections and Institutions is ordered

To have Durrell Bester in court

on the 10th day of Aug., 2008

at 9:00 a.m./p.m. for Restitution t+cc



CIRCUIT JUDGE

SCANNED AUG 10 2009

RECEIVED IN OFFICE
AUG 10 2009
ANNE-MARIE ADAMS
Clerk

State of Alabama
Unified Judicial System

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY CONTINUATION

Case Number

08-3771,12

Style:

Durrell Boster

Date

JUDGES NOTES AND ORDERS

8-10-09

~~Mr. Boster is hereby granted~~
Mr. Boster is hereby granted
Ms. Levenberg (Boster) on appeal
Dep is indigent for purpose of appeal

[Signature]

8-10-09

By agreement of the parties, Dep is
hereby fined \$9,150.00 in dry fines based
upon the amount of dry days. See Book A, we heard

[Signature]

SC01

NOV 10 2009

ACR371

ALABAMA JUDICIAL DATA CENTER
NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK
IN THE CIRCUIT COURT OF JEFFERSON COUNTY
STATE OF ALABAMA VS BESTER DURRELL JUDGE: CLYDE E JONES

APPEAL DATE: 07/08/2009

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: _____ YES _____ X NO

INDIGENT STATUS REVOKED ON APPEAL: _____ YES _____ X NO

INDIGENT STATUS GRANTED ON APPEAL: _____ YES _____ X NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 04/08/2009

DATE OF SENTENCE: 04/08/2009

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 01/CC 2008 003771.00

CODE: VDRY CONVICTION: TRAFFICKING-COCA

ACTION: CONVICTED

STATUTE: 13A-012-231(2)

CODE: FPRI CONVICTION: FAILURE TO AFFIX

ACTION: CONVICTED

STATUTE: 040-17A-004

SENTENCE: CONF: 00 YRS 00 MOS 000 DAYS

SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWO: YES

POST-JUDGMENT MOTIONS FILED: DT FILED

DT DENIED

CON BY AGREE

MOTION FOR NEW TRIAL _____

MOTION FOR JUDG. OF ACQUIT _____

MOTION TO W/D GUILTY PLEA _____

MOTION FOR ATTY TO W/DRAW _____

OTHER _____

COURT REPORTER(S):

ADDRESS:

MARTIN ALICIA

RM 706-JUDGE CLYDE JONES
BIRMINGHAM, AL 35203

APPELLATE COUNSEL #1:

ADDRESS:

BENSON WILLIAM H III
413-B MAIN STREET

PHONE NUMBER:

EMAIL ADDRESS:

TRUSVILLE, AL 35173
205-655-2665
WHBENSONIII@YAHOO.COM

APPELLATE COUNSEL #2:

ADDRESS:

WEINBERG MARTIN EVAN
P.O. BOX 154

PHONE NUMBER:

EMAIL ADDRESS:

SHANNON, AL 35214
205-239-5321
MWEINBERG@WATKINSLAWFIRM.COM

APPELLANT (PRO SE):

ADDRESS:

BESTER DURRELL

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS _____ DAY OF _____ 2009

OPERATOR: TED
PREPARED: 07/21/2009

[Signature]
CIRCUIT COURT CLERK

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
CRIMINAL DIVISION**

STATE OF ALABAMA

)
)
)
)
)
)
)
)
)
)
)

**CASE NUMBERS: CC 08-3771 AND
CC 08-3772**

DURRELL BESTER,

Defendant.

RECEIVED IN OFFICE

JUL 08 2009

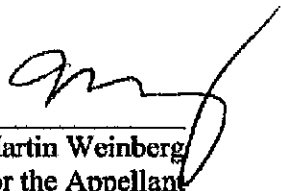
**ANNE-MARIE ADAMS
CIRCUIT CRIMINAL COURT**

**NOTICE OF APPEAL TO THE COURT OF CRIMINAL APPEALS OF
ALABAMA**

Notice is hereby given that Durrell Bester appeals to the above-named court from the judgment of conviction entered in this case on April 8, 2009 adjudging the defendant to be guilty of the offenses of trafficking cocaine and as punishment thereof sentencing the defendant on May 26, 2009 as follows: life without parole

The Appellant moves for the court to take notice of an appeal that will be filed on several grounds. The appellant also moves for the court to fix bail on appeal and suspended the execution of the sentence.

Dated this the 8th Day of July 2009



Martin Weinberg
Attorney for the Appellant
Po Box 154
Shannon, AL. 35142
205-785-5575

ORIGINAL

~~COPIES~~

ACR371

ALABAMA JUDICIAL DATA CENTER
NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY
STATE OF ALABAMA VS BESTER DURRELL JUDGE: CLYDE E JONES

APPEAL DATE: 07/08/2009

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:	_____	YES	_____X_____	NO
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:	_____X_____	YES	_____	NO
INDIGENT STATUS REVOKED ON APPEAL:	_____	YES	_____X_____	NO
INDIGENT STATUS GRANTED ON APPEAL:	_____X_____	YES	_____	NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 04/08/2009

DATE OF SENTENCE: 05/26/2009

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 01/CC 2008 003771.00

CODE: VDRY CONVICTION: TRAFFICKING-COCA

ACTION: CONVICTED
STATUTE: 13A-012-231(2)

CODE: FPRI CONVICTION: FAILURE TO AFFIX

ACTION: CONVICTED
STATUTE: 040-17A-004

SENTENCE: CONF: 00 YRS 00 MOS 000 DAYS

SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWO: YES

POST-JUDGMENT MOTIONS FILED: DT FILED

DT DENIED

CON BY AGREE

_____ MOTION FOR NEW TRIAL

_____ MOTION FOR JUDG. OF ACQUIT

_____ MOTION TO W/D GUILTY PLEA

_____ MOTION FOR ATTY TO W/DRAW

_____ OTHER

COURT REPORTER(S):

ADDRESS:

MARTIN ALICIA
RM 706-JUDGE CLYDE JONES
BIRMINGHAM, AL 35203

APPELLATE COUNSEL #1:

ADDRESS:

PHONE NUMBER:

EMAIL ADDRESS:

APPELLATE COUNSEL #2:

ADDRESS:

WEINBERG MARTIN EVAN
P.O. BOX 154

PHONE NUMBER:

EMAIL ADDRESS:

SHANNON, AL 35214
205-239-5321
MWEINBERG@WATKINSLAWFIRM.COM

APPELLANT (PRO SE):

ADDRESS:

BESTER DURRELL

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

AMENDED NOTICE TO SHOW DEFT INDIGENT & ATTY WM BENSON AS W/DRAWN

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 11 DAY OF Aug, 09

OPERATOR: LAW
PREPARED: 07/21/2009
Anne Marie Adams
CIRCUIT COURT CLERK

Scanned

ACR371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY

STATE OF ALABAMA

VS BESTER DURRELL

JUDGE: CLYDE E JONES

APPEAL DATE: 07/08/2009

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

YES ☒ NOYES ☒ NOYES ☒ NOYES ☒ NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 04/08/2009

DATE OF SENTENCE: 05/26/2009

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 01/CC 2008 003771.00

CODE: VDRY CONVICTION: TRAFFICKING-COCA

ACTION: CONVICTED

STATUTE: 13A-012-231(2)

CODE: FPRI CONVICTION: FAILURE TO AFFIX

ACTION: CONVICTED

STATUTE: 040-17A-004

SENTENCE: CONF: 00 YRS 00 MOS 000 DAYS

SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWO: YES

POST-JUDGMENT MOTIONS FILED:

DT FILED

DT DENIED

CON BY AGREE

MOTION FOR NEW TRIAL

MOTION FOR JUDG. OF ACQUIT

MOTION TO W/D GUILTY PLEA

MOTION FOR ATTY TO W/DRAW

OTHER

COURT REPORTER(S):

ADDRESS:

MARTIN ALICIA

RM 706-JUDGE CLYDE JONES

BIRMINGHAM, AL 35203

APPELLATE COUNSEL #1:

ADDRESS:

BENSON WILLIAM H III

413-B MAIN STREET

PHONE NUMBER:

EMAIL ADDRESS:

TRUSVILLE, AL 35173

205-655-2665

WHBENSONIII@YAHOO.COM

APPELLATE COUNSEL #2:

ADDRESS:

WEINBERG MARTIN EVAN

P.O. BOX 154

PHONE NUMBER:

EMAIL ADDRESS:

SHANNON, AL 35214

205-239-5321

MWEINBERG@WATKINSLAWFIRM.COM

APPELLANT (PRO SE):

ADDRESS:

BESTER DURRELL

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

AMENDED TO CORRECT THE SENTENCING DATE

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 6 DAY OF July, 2009

OPERATOR: LAW
PREPARED: 07/06/2009

Anne-Marie Plame
CIRCUIT COURT CLERK

ACR371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS

BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY

STATE OF ALABAMA VS BESTER DURRELL

JUDGE: CLYDE E JONES

APPEAL DATE: 07/08/2009

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

YES	X	NO
YES	X	NO
YES	X	NO
YES	X	NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 05/26/2009

DATE OF SENTENCE: 05/26/2009

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 01/CC 2008 003772.00

CODE: VDR1 CONVICTION: USE/POSS DRUG PA

ACTION: GUILTY PLEA
STATUTE: 13A-012-260(C)

SENTENCE: CONF: 00 YRS 12 MOS 000 DAYS

SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWO: NO

POST-JUDGMENT MOTIONS FILED: DT FILED

DT DENIED

CON BY AGREE

MOTION FOR NEW TRIAL _____

MOTION FOR JUDG. OF ACQUIT _____

MOTION TO W/D GUILTY PLEA _____

MOTION FOR ATTY TO W/DRAW _____

OTHER _____

COURT REPORTER(S):

ADDRESS:

MARTIN ALICIA
RM 706-JUDGE CLYDE JONES
BIRMINGHAM, AL 35203

APPELLATE COUNSEL #1:

ADDRESS:

BENSON WILLIAM H III
413-B MAIN STREET

PHONE NUMBER:

EMAIL ADDRESS:

TRUSVILLE, AL 35173
205-655-2665
WHBENSONIII@YAHOO.COM

APPELLATE COUNSEL #2:

ADDRESS:

WEINBERG MARTIN EVAN
P.O. BOX 154

PHONE NUMBER:

EMAIL ADDRESS:

SHANNON, AL 35214
205-239-5321
MWEINBERG@WATKINSLAWFIRM.COM

APPELLANT (PRO SE):

ADDRESS:

BESTER DURRELL

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS _____ DAY OF _____

JUL 21, 2009

OPERATOR: TED
PREPARED: 07/21/2009

CIRCUIT COURT CLERK

ACR371

ALABAMA JUDICIAL DATA CENTER
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
 BY THE TRIAL COURT CLERK
 IN THE CIRCUIT COURT OF JEFFERSON COUNTY
 STATE OF ALABAMA VS BESTER DURRELL JUDGE: CLYDE E JONES

APPEAL DATE: 07/08/2009

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: _____

INDIGENT STATUS REVOKED ON APPEAL: _____

INDIGENT STATUS GRANTED ON APPEAL: _____

YES	X	NO
YES	X	NO
YES	X	NO
YES	X	NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 05/26/2009

DATE OF SENTENCE: 05/26/2009

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 01/CC 2008 003772.00

CODE: VDR1 CONVICTION: USE/POSS DRUG PA

ACTION: CONVICTED

STATUTE: 13A-012-260(C)

SENTENCE: CONF: 00 YRS 12 MOS 000 DAYS

SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO

LIFEWO: NO

POST-JUDGMENT MOTIONS FILED: DT FILED

DT DENIED

CON BY AGREE

MOTION FOR NEW TRIAL

MOTION FOR JUDG. OF ACQUIT

MOTION TO W/D GUILTY PLEA

MOTION FOR ATTY TO W/DRAW

OTHER

COURT REPORTER(S):

ADDRESS:

MARTIN ALICIA

RM 706-JUDGE CLYDE JONES

BIRMINGHAM, AL 35203

APPELLATE COUNSEL #1:

ADDRESS:

BENSON WILLIAM H III

413-B MAIN STREET

PHONE NUMBER:

EMAIL ADDRESS:

TRUSVILLE

205-655-2665

WHBENSONIII@YAHOO.COM

APPELLATE COUNSEL #2:

ADDRESS:

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P.O. BOX 154

PHONE NUMBER:

EMAIL ADDRESS:

SHANNON

205-239-5321

MWEINBERG@WATKINSLAWFIRM.COM

APPELLANT (PRO SE):

ADDRESS:

BESTER DURRELL

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
 ABOVE IS ACCURATE TO THE BEST OF MY
 KNOWLEDGE AND I HAVE SERVED A COPY OF
 THIS NOTICE OF APPEAL ON ALL PARTIES TO
 THIS ACTION ON THIS _____ DAY OF _____

JUL 23 2009

OPERATOR: TED

PREPARED: 07/23/2009

CIRCUIT COURT CLERK

SCANNED JUL 7 3 2008

ACR371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY

STATE OF ALABAMA

VS BESTER DURRELL

JUDGE: CLYDE E JONES

APPEAL DATE: 07/08/2009

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

YES	X	NO
X	YES	NO
YES	X	NO
X	YES	NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 05/26/2009

DATE OF SENTENCE: 05/26/2009

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 01/CC 2008 003772.00

CODE: VDR1 CONVICTION: USE/POSS DRUG PA

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STATUTE: 13A-012-260(C)

SENTENCE: CONF: 00 YRS 12 MOS 000 DAYS

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DT FILED

DT DENIED

CON BY AGREE

MOTION FOR NEW TRIAL

MOTION FOR JUDG. OF ACQUIT

MOTION TO W/D GUILTY PLEA

MOTION FOR ATTY TO W/DRAW

OTHER

COURT REPORTER(S):

ADDRESS:

MARTIN ALICIA

RM 706-JUDGE CLYDE JONES

BIRMINGHAM, AL 35203

APPELLATE COUNSEL #1:

ADDRESS:

PHONE NUMBER:

EMAIL ADDRESS:

APPELLATE COUNSEL #2:

ADDRESS:

WEINBERG MARTIN EVAN

P.O. BOX 154

SHANNON

AL 35214

205-239-5321

MWEINBERG@WATKINSLAWFIRM.COM

PHONE NUMBER:

EMAIL ADDRESS:

APPELLANT (PRO SE):

ADDRESS:

BESTER DURRELL

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

AMENDED TO SHOW DEFT INDIGENT & ATTY WM BENSON AS W/DRAWN

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 11 DAY OF Aug, 2009

OPERATOR: LAW

PREPARED: 08/11/2009

CIRCUIT COURT CLERK

Scanned

INDICTMENT

The State of Alabama,
JEFFERSON COUNTY

CIRCUIT COURT OF TENTH
JUDICIAL CIRCUIT

The grand jury of said county charge that, before the finding of this indictment,

DURRELL BESTER, alias DURELL BESTER, whose name is to the grand jury otherwise unknown, did knowingly sell, manufacture, deliver, or bring into this state, or was knowingly in actual or constructive possession of 28 grams or more, but less than 500 grams of cocaine or of a mixture containing cocaine, a controlled substance, in violation of Section 13A-12-231 of the Alabama Criminal Code, against the peace and dignity of the State of Alabama.

2nd: The grand jury of said county further charge that before the finding of this indictment, DURRELL BESTER, alias DURELL BESTER, whose name is to the grand jury otherwise unknown, while on March 24, 2008 did possess, distribute, sell, transport, import, transfer or otherwise use marihuana or a controlled substance without having affixed the appropriate stamps, labels or other indicia required by Chapter 17A of Title 40 of the Code of Alabama, 1975, in violation of Section 40-17A-4 of the Code of Alabama, 1975, against the peace and dignity of the State of Alabama.

Brenden M. Fells
DISTRICT ATTORNEY, TENTH JUDICIAL
CIRCUIT OF ALABAMA

BAIL FIXED AT TWO HUNDRED FIFTY THOUSAND DOLLARS

J. William Cole
JUDGE

=====

GJ NO: 92716	CHARGE: TRAF COC/FTATS	JCID: 00259194	INTAKE: 88993684
WARR NO: 00530630	OFFENSE CODE: 35991041/61030081	NCIC: 3599	

OCTOBER SESSION 2008

A TRUE BILL


Foreman of the Grand Jury

Presented to the presiding Judge in open court by
the foreman of the Grand Jury, in the presence of
17 Grand Jurors and filed in open
Court by order of the Court on this the 10TH,
day of OCTOBER
, 2008.


Clerk.

INDICTMENT

No Prosecutor

I hereby certify that a true copy of this indictment
has been served on the defendant this the
_____ day of _____,
20 _____.

MIKE HALE, Sheriff

By _____

Deputy Sheriff

Jail

STATE OF ALABAMA
JUD. SYSTEM

AFFIDAVIT / WARRANT

CASE NUMBER

FORM DC - 6J

7/89

ID YR NUMBER

IN THE DISTRICT COURT OF JEFFERSON COUNTY

THE STATE VS. BESTER, DURRELL

AGENCY: JEFF CTY SHERIFF
OCA: 08038801WARRANT NO. 530630
JCID NO. 259194

SHERIFF'S INFORMATION: SEX MALE RACE BLACK EYE BROWN HAIR BLACK SKIN 205 LBS. NEAR YEARS OLD
 ADDRESS: HEIGHT ABOUT 6 FEET 1 INCHES WEIGHT ABOUT 205 LBS. SSN DOB ABOUT
 REMARKS: AKA BESTER, DURELL EMPLOYER: DISABLED BESTER, DURELL

COMPLAINT:

PERSONALLY APPEARED BEFORE THE UNDERSIGNED AS MAGISTRATE/JUDGE OF THE DISTRICT COURT OF JEFFERSON COUNTY, IN
 AND FOR SAID COUNTY EATON, MARK WHO BEING DULY SWORN, SAYS THAT
 BESTER, DURRELL WHOSE NAME IS OTHERWISE UNKNOWN TO AFFIANT, IN SAID COUNTY,
 DID KNOWINGLY SELL, MANUFACTURE, DELIVER, OR BRING INTO THIS STATE, OR WAS
 KNOWINGLY IN ACTUAL OR CONSTRUCTIVE POSSESSION OF 28 GRAMS OR MORE, BUT LESS
 THAN 500 GRAMS OF COCAINE OR OF A MIXTURE CONTAINING COCAINE, IN VIOLATION OF
 SECTION 13A-12-231 OF THE CRIMINAL CODE OF ALABAMA.

MAR 24 2008
 MIKE HALE
 SHERIFF

AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA. SUBSCRIBED AND SWORN TO BEFORE ME THIS 26 DAY OF MARCH 2008

MAGISTRATE/JUDGE OF THE DISTRICT COURT OF JEFFERSON COUNTY

AFFIANT

TO ANY LAWFUL OFFICER OF SAID STATE,

YOU ARE HEREBY COMMANDED TO ARREST BESTER, DURRELL AND BRING HIM OR HER BEFORE
 THE JUDGE OF THE DISTRICT COURT OF JEFFERSON COUNTY, AT THE PRESENT TERM OF SAID COURT, TO ANSWER THE STATE OF
 ALABAMA ON A CHARGE OF TRAFFICKING COCAINE: POSS. OR SALE + POTENTIAL ENHANCEMENTS
 PREFERRED BY EATON, MARK WITNESS MY HAND THIS 26 DAY OF MARCH 2008

OFFENSE CODE 35991041

MAGISTRATE/JUDGE OF DISTRICT COURT OF JEFFERSON COUNTY

BOND

THE OFFICER ARRESTING MAY ADMIT THE DEFENDANT TO BAIL UPON HIS OR HER ENTERING INTO BOND IN THE SUM OF
 \$250,000 DOLLARS WITH TWO GOOD SECURITIES APPROVED BY SAID OFFICER.

MAGISTRATE/JUDGE OF DISTRICT COURT OF JEFFERSON COUNTY

COMMENTS: SUSPECT IN JAIL HARPER /SWDK 88993684
 JEFFCO THIS CHARGE

EATON, MARK

JCSO VICE 08038801

00000

RECEIPT

EXECUTION

Received In Office:

Executed by Arresting the Within Named Defendant and

☒ Committed To Jail☐ Released on Bond Date:

COURT RECORD

SHERIFF

MIKE HALE

BY

3/24/08

THE STATE VS BESTER, DURRELL
AGENCY JEFF CTY SHERIFF
WITNESSES:
EATON, MARK

JCSO VICE 08038801

WARRANT NO. 530630
JCID NO. 259194
DATE 3/26/2008

BHAM AL

731-2793

ACRO372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: DC 2008 003379.00
 OPER: ROW CASE ACTION SUMMARY
 PAGE: 1 DISTRICT CRIMINAL RUN DATE: 03/27/2008
 IN THE DISTRICT COURT OF JEFFERSON JUDGE: WDL

STATE OF ALABAMA VS BESTER DURRELL

CASE: DC 2008 003379.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
 SSN: [REDACTED] ALIAS NAMES:

CHARGE01: TRAFFICKING-COCAINE CODE01: VDRY LIT: TRAFFICKING-CO TYP: F #: 001
 OFFENSE DATE: 03/24/2008 AGENCY/OFFICER: 0010000 M EATON

DATE WAR/CAP ISS: DATE ARRESTED: 03/24/2008
 DATE INDICTED: DATE FILED: 03/27/2008
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$250,000.00 SURETIES:

DATE 1: 04/01/2008 DESC: CALL TIME: 1000 A
 DATE 2: DESC: TIME: 0000

TRACKING NOS:

DEF/ATY:

TYPE:

TYPE:

00000

00000

PROSECUTOR:

OTH CSE: 00000000000000000000 CHK/TICKET NO: 530630 GRAND JURY:
 COURT REPORTER: SID NO: 000259194
 DEF STATUS: JAIL DEMAND: OPER: ROW

NOTE: **DC08 3378-79

DATE ACTIONS, JUDGEMENTS, AND NOTES

3-28-08	It appearing to the Court that the defendant is without funds and unable to employ counsel, and being indigent, and upon defendant's request that the Court appoint counsel to represent him In this cause, the court hereby appoints: <u>Billy Benson</u> Attorney at Law, to represent him, and the case is passed to the <u>2nd</u> day of <u>May</u> , <u>2008</u> at <u>9:00 A.M.</u> M. REISSUE <u>WDL</u> JUDGE
4-2-08	Case passed to <u>4-9-08</u> at <u>9:00</u> m. Reissue <u>WDL</u>

CRO369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: DC 2008 003379.00
JUDGE ID: WDL

STATE OF ALABAMA VS BESTER DURRELL

DATE ACTION, JUDGMENTS, CASE NOTES

4-9-08

Case passed to 5/14/08 at 1:30 p.m. Release Prelim WDL

(W)

5-13-08

Case passed to 7-9-08 at 1:30 p.m. Issue WDL Prelim

(W)

Defendant bound over to the Circuit Court
to await the action of the Grand Jury and

7/9/8

bond is fixed at \$ 250,000WDL Judge

FELONY CASES



Court Case Numbers:

DC-08-3329

2080.3755

Notice: THIS BOND MUST BE SIGNED with INK and will not be approved if signatures are made with Pencil.

CONSOLIDATED APPEARANCE BOND

SHERIFF - 28

The State of Alabama,

Jefferson County

Principal (Defendant) and

We,

Durrell Lester

NAME:

SS#:

1) Lashonda N. Jones Caroline McKenry

NAME:

SS#:

2) Terece Stephenson Vickie Gray

NAME:

SS#:

3) Richard Thomas 4) Marilyn Moore

sureties, agree to pay to the State of Alabama

250,000

Dollars,

unless the said Defendant appears at the present term of the DISTRICT COURT, Jefferson County, Alabama, or at the next session of CIRCUIT COURT of said County; and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Drugging Cocaine

and we hereby waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts and liabilities to the full amount of the above bond.

Defendant is released on bond on the aforementioned sum with the following conditions: (1) Appear to answer and submit to the orders and process of the Court having jurisdiction of the case; (2) Refrain from committing any criminal offense; (3) Not depart from the State without leave of the Court; (4) Promptly notify the Court of any Change of address; (5) The defendant shall have no contact or communication, in any form, with the Complainant/Alleged Victim. In furtherance of this condition, Defendant shall not be in or upon the premises of the Complainant/Alleged Victim; and the following condition, if applicable: (6) Report to the TASC Office at 401 Beacon Parkway West, Birmingham, Alabama between the hours of 7:30 a.m. - 4:00 p.m. within 48 hours (or the next business day) of release from jail. For directions or information you may call 917-3780. This condition of release applies only to felony cases.

(X) Durrell Lester Defendant Sign This Line Street Address City Zip Phone Number

- 1) La Zandra Jones
- 2) Lashonda N. Jones
- 3) Terece Stephenson
- 4) Vickie Gray
- 5) Richard Thomas
- 6) Marilyn Moore S/A

Approved this the

24

day of

April

2008

W. Hale Sheriff, by:

W. Hale

Deputy Sheriff

FELONY CASES
CASE NUMBER: _____

The State of Alabama
JEFFERSON COUNTY

OFFICE OF THE SHERIFF

DISTRICT COURT OF JEFFERSON COUNTY
CIRCUIT COURT OF JEFFERSON COUNTY

CONSOLIDATED APPEARANCE BOND

THE STATE
v.s.

JEFFERSON COUNTY, ALABAMA

I hereby certify that the sureties on this bond are good and sufficient and if presented to me in my county for approval, I would approve the bond.

By: _____

Mike Hale, Sheriff of Jefferson County

Chief

Date: _____

Presented for approval by: _____

FELONY CASES



(Pg. 2 of 2 pgs.) 42

Court Case Numbers:

20803755

DC - 08 - 3374

Notice: THIS BOND MUST BE SIGNED with INK and will not be approved if signatures are made with Pencil.

CONSOLIDATED APPEARANCE BOND

SHERIFF - 28

The State of Alabama,

Jefferson County

Principal (Defendant) and

We,

Duvell Bester

NAME:

SS#:

(7) Arthur Cozwell 2)

NAME:

SS#:

(Pg. 2) 3) 4)

NAME:

SS#:

(Pg. 2) 5) 6)

sureties, agree to pay to the State of Alabama

\$1,250,000 =

Dollars,

unless the said Defendant appears at the present term of the DISTRICT COURT, Jefferson County, Alabama, or at the next session of CIRCUIT COURT of said County; and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Carrying Cocaine

and we hereby waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts and liabilities to the full amount of the above bond.

Defendant is released on bond on the aforementioned sum with the following conditions: (1) Appear to answer and submit to the orders and process of the Court having jurisdiction of the case; (2) Refrain from committing any criminal offense; (3) Not depart from the State without leave of the Court; (4) Promptly notify the Court of any Change of address; (5) The defendant shall have no contact or communication, in any form, with the Complainant/Alleged Victim. In furtherance of this condition, Defendant shall not be in or upon the premises of the Complainant/Alleged Victim; and the following condition, if applicable: (6) Report to the TASC Office at 401 Beacon Parkway West, Birmingham, Alabama between the hours of 7:30 a.m. - 4:00 p.m. within 48 hours (or the next business day) of release from jail. For directions or information you may call 917-3780. This condition of release applies only to felony cases.

(X) Duvell Bester [Redacted] Defendant Sign This Line Street Address City Zip Phone Number

(7) Arthur L Cozwell [Redacted] 2) [Redacted] 3) [Redacted] 4) (Pg. 2) 5) [Redacted] 6) [Redacted]

Approved this the 8th day of April, 2008 (year).

[Signature] Sheriff

Sheriff by:

[Signature] Captain [Redacted]

Deputy Sheriff

State of Alabama
Jefferson County**LIEN AND AFFIDAVIT OF SURETIES**
(Property Owners for Bail)Case Number DC-08-3379
Charge Trogl. COA.

Revised 2/96

IN THE [] Circuit, [] District, [] Family COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA V. Dwight Boster DefendantBefore me, the undersigned authority, personally appeared VILKEY Gray

as sureties, who first by me being duly sworn, on oath, deposes and says: That he or she possesses the qualifications and is sufficient to become a surety and that he or she is the owner of the following described property, and that he or she pledges the property as collateral on the above-named defendant's bail:

Legal Description of Property Owned:

Value:

37-25-2-0-44
13700**TOTAL VALUE**

(1) The encumbrances on the above-described property are as follows:

NONE

I/We acknowledge that property owners are qualified to make bail in an amount equal to the Total Unencumbered Value.

(2) That the total number of bails, executed for people other than my immediate family within the year including this one is _____, in the aggregate amount of _____.

(3) That the above-listed real property is not exempt from forced sale under the Constitution and laws of the State of Alabama.

(4) That the property is free of mortgages, liens, and encumbrances other than those listed above.

(5) That I am not an attorney, a judicial official, or a person authorized to take bail and that I own property in this state that has a fair market value equal to or greater than the amount of the appearance bond in this cause, exclusive of property exempt from execution and above and over all liabilities, including the amount of all other outstanding appearance bonds entered into by me.

(6) I have been advised that if I have provided any false information in the above affidavit, I could be charged with a crime and be punished according to the law.

Vickie Gray (L.S.) [REDACTED]
Surety Address

_____, (L.S.) _____
Surety Address

_____, (L.S.) _____
Surety Address

sworn to and subscribed before me in

_____, Alabama, on this the

_____ day of _____, 20_____.

M. Beall
NOTARY PUBLIC/OFFICER (Title)/PRETRIAL

JAIL - 23

DATE

5-7-08

State of Alabama
Jefferson County

WAIVER OF HOMESTEAD EXEMPTION FOR BOND

Case Number

PC-08-3379

Revised 2/96

IN THE [] Circuit, [] District, [] Family COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA V. Danell Bester

Defendant

As (a surety) (sureties) of the bond securing the presence of the above named defendant, in compliance with Article X, § 210, Constitution of Alabama 1901 and § 6-10-122, Code of Alabama 1975, (I) (we) hereby waive by this separate instrument (my) (our) right(s) to claim (my) (our) homestead, exempt from execution or other process for collection of debt necessary for enforcement of the provisions of the bond.

Done this the 2 day of
4, 2008.

Vickie Gray
Surety/Property Owner (Print Name)

Vickie Gray
Signature of Surety

[REDACTED]
Address of Surety

Spouse of Surety (Print Name)

Signature of Spouse

_____, a Notary Public in and for the above named county of the State of Alabama, hereby certify that the surety and [] spouse of the surety; whose name(s) is/are signed to the foregoing instrument, being informed of the instrument, has/have voluntarily executed and acknowledged the same before me this date.

Given under my hand and seal this the _____ day of _____, 20 _____.

My Commission Expires: _____

M. B. Hall
Notary Public/Judicial Officer/Sheriff/Pretrial

State of Alabama
Jefferson County**LIEN AND AFFIDAVIT OF SURETIES**
(Property Owners for Bail)Case Number DC-08-337
Charge Two Coc.

Revised 2/96

IN THE [] Circuit, [] District, [] Family COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA V. Dwelle Bester Defendant

Before me, the undersigned authority, personally appeared

Richard Thomas
and Marilyn Moore

as sureties, who first by me being duly sworn, on oath, deposes and says: That he or she possesses the qualifications and is sufficient to become a surety and that he or she is the owner of the following described property, and that he or she pledges the property as collateral on the above-named defendant's bail:

Legal Description of Property Owned:

Value:

30-26-3-26-5,000 \$34,100**TOTAL VALUE**

(1) The encumbrances on the above-described property are as follows:

I/We acknowledge that property owners are qualified to make bail in an amount equal to the Total Unencumbered Value.

(2) That the total number of bails, executed for people other than my immediate family within the year including this one is 0, in the aggregate amount of 0.

(3) That the above-listed real property is not exempt from forced sale under the Constitution and laws of the State of Alabama.

(4) That the property is free of mortgages, liens, and encumbrances other than those listed above.

(5) That I am not an attorney, a judicial official, or a person authorized to take bail and that I own property in this state that has a fair market value equal to or greater than the amount of the appearance bond in this cause, exclusive of property exempt from execution and above and over all liabilities, including the amount of all other outstanding appearance bonds entered into by me.

(6) I have been advised that if I have provided any false information in the above affidavit, I could be charged with a crime and be punished according to the law.

Richard Thomas
Surety

(L.S.)

Address

Marilyn Moore
Surety

(L.S.)

Address

(L.S.)

Address

Surety

sworn to and subscribed before me in

_____, Alabama, on this the

_____ day of _____, 20_____.

[Signature]
NOTARY PUBLIC/OFFICER (Title) PRETRIAL

JAN. - 20

4/8/08
DATE

State of Alabama Jefferson County	WAIVER OF HOMESTEAD EXEMPTION FOR BOND	Case Number <u>DC-08-3379</u>
Revised 2/96		

IN THE [] Circuit, [] District, [] Family COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA V. Douvell Bester Defendant

As (a surety) (sureties) of the bond securing the presence of the above named defendant, in compliance with Article X, § 210, Constitution of Alabama 1901 and § 6-10-122, Code of Alabama 1975, (I) (we) hereby waive by this separate instrument (my) (our) right(s) to claim (my) (our) homestead, exempt from execution or other process for collection of debt necessary for enforcement of the provisions of the bond.

Done this the 8th day of

April, 2008.

Richard Thomas
Surety/Property Owner (Print Name)

Richard Thomas
Signature of Surety

Address of Surety

Marilyn Moore
Spouse of Surety (Print Name)

Marilyn Moore
Signature of Spouse

_____, a Notary Public in and for the above named county of the State of Alabama, hereby certify that the surety and [] spouse of the surety; whose name(s) is/are signed to the foregoing instrument, being informed of the instrument, has/have voluntarily executed and acknowledged the same before me this date.

Given under my hand and seal this the _____ day of _____, 20_____.

My Commission Expires: _____

[Signature]
Notary Public/Judicial Officer/Sheriff/Pretrial

State of Alabama
Jefferson County**LIEN AND AFFIDAVIT OF SURETIES**
(Property Owners for Bail)Case Number DC-08-3379Charge TVOF. COB.

Revised 2/96

IN THE [] Circuit, [4 District, [] Family COURT OF JEFFERSON COUNTY, ALABAMASTATE OF ALABAMA V. Durrell Lyster DefendantBefore me, the undersigned authority, personally appeared Dazandra N. Jelks

_____ as sureties, who first by me being duly sworn, on oath, deposes and says: That he or she possesses the qualifications and is sufficient to become a surety and that he or she is the owner of the following described property, and that he or she pledges the property as collateral on the above-named defendant's bail:

Legal Description of Property Owned:

Value:

13-25-3-3-27-00071,300**TOTAL VALUE**

(1) The encumbrances on the above-described property are as follows:

Mortgage

I/We acknowledge that property owners are qualified to make bail in an amount equal to the Total Unencumbered Value.

(2) That the total number of bails, executed for people other than my immediate family within the year including this one is _____, in the aggregate amount of _____.

(3) That the above-listed real property is not exempt from forced sale under the Constitution and laws of the State of Alabama.

(4) That the property is free of mortgages, liens, and encumbrances other than those listed above.

(5) That I am not an attorney, a judicial official, or a person authorized to take bail and that I own property in this state that has a fair market value equal to or greater than the amount of the appearance bond in this cause, exclusive of property exempt from execution and above and over all liabilities, including the amount of all other outstanding appearance bonds entered into by me.

(6) I have been advised that if I have provided any false information in the above affidavit, I could be charged with a crime and be punished according to the law.

Dazandra Jelks

Surety

(L.S.)

Address

Surety

(L.S.)

Address

Surety

(L.S.)

Address

sworn to and subscribed before me in

_____, Alabama, on this the

day of

, 20

NOTARY PUBLIC/OFFICER (Title/PRETRIAL)

JAN - 23

25th March 2008

DATE

State of Alabama
Jefferson County**WAIVER OF HOMESTEAD EXEMPTION
FOR BOND**

Case Number

PC-08-3379

Revised 2/96

IN THE [] Circuit, [4 District, [] Family COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA V.

Defendant

As (a surety) (sureties) of the bond securing the presence of the above named defendant, in compliance with Article X, § 210, Constitution of Alabama 1901 and § 6-10-122, Code of Alabama 1975, (I) (we) hereby waive by this separate instrument (my) (our) right(s) to claim (my) (our) homestead, exempt from execution or other process for collection of debt necessary for enforcement of the provisions of the bond.

Done this the 25th day ofMarch, 2008.

Lezandra N. Jelks
Surety/Property Owner (Print Name)

Lezandra Jelks
Signature of Surety

[REDACTED]
Address of Surety

Spouse of Surety (Print Name)

Signature of Spouse

_____, a Notary Public in and for the above named county of the State of Alabama, hereby certify that the surety and [] spouse of the surety; whose name(s) is/are signed to the foregoing instrument, being informed of the instrument, has/have voluntarily executed and acknowledged the same before me this date.

Given under my hand and seal this the _____ day of _____, 20____.

My Commission Expires: _____

[Signature]
Notary Public/Judicial Officer/Sheriff/Pretrial

State of Alabama
Jefferson County**LIEN AND AFFIDAVIT OF SURETIES**
(Property Owners for Bail)Case Number DC-08-3379
Charge CRF, COC

Revised 2/96

IN THE [] Circuit, [4] District, [] Family COURT OF JEFFERSON COUNTY, ALABAMASTATE OF ALABAMA V. Durrell Jester DefendantBefore me, the undersigned authority, personally appeared Angelina M. Hall

_____ as sureties, who first by me being duly sworn, on oath, deposes and says: That he or she possesses the qualifications and is sufficient to become a surety and that he or she is the owner of the following described property, and that he or she pledges the property as collateral on the above-named defendant's bail:

Legal Description of Property Owned:

Value:

22-12-3-16-3-001-001 50,700**TOTAL VALUE**

(1) The encumbrances on the above-described property are as follows:

I/We acknowledge that property owners are qualified to make bail in an amount equal to the Total Unencumbered Value.

(2) That the total number of bails, executed for people other than my immediate family within the year including this one is 0, in the aggregate amount of \$

(3) That the above-listed real property is not exempt from forced sale under the Constitution and laws of the State of Alabama.

(4) That the property is free of mortgages, liens, and encumbrances other than those listed above.

(5) That I am not an attorney, a judicial official, or a person authorized to take bail and that I own property in this state that has a fair market value equal to or greater than the amount of the appearance bond in this cause, exclusive of property exempt from execution and above and over all liabilities, including the amount of all other outstanding appearance bonds entered into by me.

(6) I have been advised that if I have provided any false information in the above affidavit, I could be charged with a crime and be punished according to the law.

Surety

(L.S.)

Address

Surety

(L.S.)

Address

Surety

(L.S.)

Address

sworn to and subscribed before me in

_____, Alabama, on this the

day of

, 20

NOTARY PUBLIC/OFFICER (Title) PRETRIAL

JAIL - 23

DATE

28 March 2008

<div>State of Alabama Jefferson County</div> <div>Revised 2/96</div>	WAIVER OF HOMESTEAD EXEMPTION FOR BOND	<div>Case Number</div> <div>DC-08-3379</div>
--	---	--

IN THE [] Circuit, [☒] District, [☒] Family COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA V. Durrell Fisher Defendant

As (a surety) (sureties) of the bond securing the presence of the above named defendant, in compliance with Article X, § 210, Constitution of Alabama 1901 and § 6-10-122, Code of Alabama 1975, (I) (we) hereby waive by this separate instrument (my) (our) right(s) to claim (my) (our) homestead, exempt from execution or other process for collection of debt necessary for enforcement of the provisions of the bond.

Done this the 28th day of March, 2008.

Angelina Mallory
Surety/Property Owner (Print Name)

+ Angelina Mallory
Signature of Surety

[Redacted Address]
Address of Surety

Spouse of Surety (Print Name)

Signature of Spouse

_____, a Notary Public in and for the above named county of the State of Alabama, hereby certify that the surety and [] spouse of the surety; whose name(s) is/are signed to the foregoing instrument, being informed of the instrument, has/have voluntarily executed and acknowledged the same before me this date.

Given under my hand and seal this the _____ day of _____, 20____.

My Commission Expires: _____

[Signature]
Notary Public/Judicial Officer/Sheriff/Pretrial

<div>State of Alabama Jefferson County</div> <div>Revised 2/98</div>	<div>LIEN AND AFFIDAVIT OF SURETIES (Property Owners for Bail)</div>	<div>Case Number <u>DC-08-3329</u></div> <div>Charge <u>Exp. Coc</u></div>
--	---	--

IN THE [] Circuit, [4 District, 1 Family COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA V. Durrell Lester Defendant

Before me, the undersigned authority, personally appeared Lyones Stephenson

as sureties, who first by me being duly sworn, on oath, deposes and says: That he or she possesses the qualifications and is sufficient to become a surety and that he or she is the owner of the following described property, and that he or she pledges the property as collateral on the above-named defendant's bail:

Legal Description of Property Owned:
38-10-3-4-2-001

Value:
78,800

TOTAL VALUE

(1) The encumbrances on the above-described property are as follows:
[Signature]

I/We acknowledge that property owners are qualified to make bail in an amount equal to the Total Unencumbered Value.

(2) That the total number of bails, executed for people other than my immediate family within the year including this one is 0, in the aggregate amount of 0

(3) That the above-listed real property is not exempt from forced sale under the Constitution and laws of the State of Alabama.

(4) That the property is free of mortgages, liens, and encumbrances other than those listed above.

(5) That I am not an attorney, a judicial official, or a person authorized to take bail and that I own property in this state that has a fair market value equal to or greater than the amount of the appearance bond in this cause, exclusive of property exempt from execution and above and over all liabilities, including the amount of all other outstanding appearance bonds entered into by me.

(6) I have been advised that if I have provided any false information in the above affidavit, I could be charged with a crime and be punished according to the law.

[Signature]
Surety

(L.S.) [Redacted]

[Signature]
Surety

(L.S.) [Redacted]

[Signature]
Surety

(L.S.) [Redacted]

sworn to and subscribed before me in _____, Alabama, on this the _____ day of _____, 20____.

[Signature]
NOTARY PUBLIC/OFFICER (T~~HE~~MPRETRIAL
JAIL - 3)

28 March 2008
DATE

State of Alabama Jefferson County	WAIVER OF HOMESTEAD EXEMPTION FOR BOND	Case Number <u>DC-08-3374</u>
Revised 2/96		

IN THE [] Circuit, [1] District, [1] Family COURT OF JEFFERSON COUNTY, ALABAMA
STATE OF ALABAMA V. Durrell Bester Defendant

As (a surety) (sureties) of the bond securing the presence of the above named defendant, in compliance with Article X, § 210, Constitution of Alabama 1901 and § 6-10-122, Code of Alabama 1975, (I) (we) hereby waive by this separate instrument (my) (our) right(s) to claim (my) (our) homestead, exempt from execution or other process for collection of debt necessary for enforcement of the provisions of the bond.

Done this the 28 day of March, 2008.

Tyrone Stephenson
Surety/Property Owner (Print Name)

Tyrone Stephenson
Signature of Surety

[Redacted Address]
Address of Surety

Spouse of Surety (Print Name)

Signature of Spouse

_____, a Notary Public in and for the above named county of the State of Alabama, hereby certify that the surety and [] spouse of the surety; whose name(s) is/are signed to the foregoing instrument, being informed of the instrument, has/have voluntarily executed and acknowledged the same before me this date.

Given under my hand and seal this the _____ day of _____, 20_____.

My Commission Expires: _____

[Signature]
Notary Public/Judicial Officer/Sheriff/Pretrial

State of Alabama
Jefferson County**LIEN AND AFFIDAVIT OF SURETIES**
(Property Owners for Bail)Case Number DC-08-3379
Charge crim. coc.

Revised 2/98

IN THE [] Circuit, [☒] District, [] Family COURT OF JEFFERSON COUNTY, ALABAMASTATE OF ALABAMA V. Douvell Bester DefendantBefore me, the undersigned authority, personally appeared Arthur Couner

_____ as sureties, who first by me being duly sworn, on oath, deposes and says: That he or she possesses the qualifications and is sufficient to become a surety and that he or she is the owner of the following described property, and that he or she pledges the property as collateral on the above-named defendant's bail:

Legal Description of Property Owned:

Value:

38-2-3-27-2,000 \$10,000**TOTAL VALUE**

(1) The encumbrances on the above-described property are as follows:

2

I/We acknowledge that property owners are qualified to make bail in an amount equal to the Total Unencumbered Value.

(2) That the total number of bails, executed for people other than my immediate family within the year including this one is 2, in the aggregate amount of 2.

(3) That the above-listed real property is not exempt from forced sale under the Constitution and laws of the State of Alabama.

(4) That the property is free of mortgages, liens, and encumbrances other than those listed above.

(5) That I am not an attorney, a judicial official, or a person authorized to take bail and that I own property in this state that has a fair market value equal to or greater than the amount of the appearance bond in this cause, exclusive of property exempt from execution and above and over all liabilities, including the amount of all other outstanding appearance bonds entered into by me.

(6) I have been advised that if I have provided any false information in the above affidavit, I could be charged with a crime and be punished according to the law.

Arthur L. Couner
Surety

(L.S.)

Address

Surety

(L.S.)

Address

Surety

(L.S.)

Address

sworn to and subscribed before me in

_____, Alabama, on this the

_____ day of _____, 20_____.

NOTARY PUBLIC/OFFICER (Title) PRETRIAL

JAIL - 23

DATE 4/8/08

State of Alabama Jefferson County Revised 2/99	WAIVER OF HOMESTEAD EXEMPTION FOR BOND	Case Number <div style="font-size: 1.2em; font-family: cursive;">DC-08-3379</div>
--	---	--

IN THE [] Circuit, [4] District, [] Family COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA V. Dourell Bester Defendant

As (a surety) (sureties) of the bond securing the presence of the above named defendant, in compliance with Article X, § 210, Constitution of Alabama 1901 and § 6-10-122, Code of Alabama 1975, (I) (we) hereby waive by this separate instrument (my) (our) right(s) to claim (my) (our) homestead, exempt from execution or other process for collection of debt necessary for enforcement of the provisions of the bond.

Done this the 8th day of April, 2008.

Melvin Cornell
Surety/Property Owner (Print Name)

Arthur L. Cornell
Signature of Surety

[REDACTED]
Address of Surety

Spouse of Surety (Print Name)

Signature of Spouse

_____, a Notary Public in and for the above named county of the State of Alabama, hereby certify that the surety and [] spouse of the surety; whose name(s) is/are signed to the foregoing instrument, being informed of the instrument, has/have voluntarily executed and acknowledged the same before me this date.

Given under my hand and seal this the _____ day of _____, 20_____.

My Commission Expires: _____

[Signature]
 Notary Public/Judicial Officer/Sheriff/Pretrial

IN THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA,

vs.

DURRELL BESTER,

Defendant.

CASE NUMBERS: DC-08-3378 and
DC-08-3379

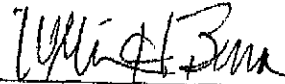
MOTION FOR PRELIMINARY HEARING

Pursuant to Alabama Rules of Criminal Procedure 5.1(a), the Defendant, DURRELL BESTER, by and through his counsel, shows the Court that he was arrested on or about March 24, 2008, and charged with the felony offense of trafficking illegal drugs, specifically, cocaine and the offense of possession of drug paraphernalia.

The Defendant further shows that he is currently incarcerated in the Jefferson County Jail under a total of Two Hundred Fifty Three Thousand Dollar (\$253,000.00) bond, and the Defendant shows that he cannot hope to make and post such a large bond.

Wherefore, the Defendant respectfully requests that a preliminary hearing under the provisions of the Alabama Rules of Criminal Procedure be scheduled and held at the earliest practicable date.

Respectfully submitted,



William H. Benson
State Bar I.D. No. BEN047

OF COUNSEL:

729 9th Avenue South
Birmingham, Alabama 35205
(205)458-3910

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Reduction of Bail, upon counsel via hand delivery this the 9th day of April, 2008:

Kechia Sanders, Esq.
Assistant District Attorney
Criminal Justice Center
801 Richard Arrington Jr. Blvd. N
Birmingham, Alabama 35203



OF COUNSEL

IN THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA,

vs.

DURRELL BESTER,

Defendant.

**CASE NUMBERS: DC-08-3378 and
DC-08-3379**

MOTION FOR REDUCTION OF BAIL

The Defendant, DURRELL BESTER, by and through his attorney and pursuant to the Alabama Rules of Criminal Procedure, respectfully moves this Honorable Court to reduce the bail amounts set in the above causes to a reasonable amount. As grounds for this motion, the Defendant states:

1. The Defendant's bail in DC-08-3378 (possession of drug paraphernalia) is set at Three Thousand Dollars (\$3,000.00) and the bail in DC-08-3379 (trafficking cocaine) is set at Two Hundred and Fifty Thousand Dollars (\$250,000.00). The Defendant is financially unable to post the bail as presently set. Accordingly, the Defendant at this time is incarcerated in the Jefferson County jail.

2. The present amount of bail set in these causes are excessive in violation of the constitutional proscription against excessive bail guaranteed to the Defendant by Section 16 of the Declaration of Rights of the Alabama Constitution and the Eighth and Fourteenth Amendments of the United States Constitution.

3. The Defendant respectfully moves this Honorable Court to reduce the bail in these cases and set said bail amounts to a reasonable amount of bail.

Respectfully submitted,



William H. Benson
State Bar I.D. No. BEN047

OF COUNSEL:

729 9th Avenue South
Birmingham, Alabama 35205
(205)458-3910

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Reduction of Bail, upon counsel of in open court this the 2nd day of April, 2008;

Kechia Sanders, Esq.
Assistant District Attorney
Criminal Justice Center
801 Richard Arrington Jr. Blvd. N
Birmingham, Alabama 35203



OF COUNSEL

[illegible]

Co. Jail

7 35919160
W 5-36697

A R R A N T

STATE OF ALABAMA

JEFFERSON COUNTY

DISTRICT COURT

AGENCY NUMBER: 080309099

WARRANT NUMBER: WR 2008 000765.00
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST DURRELL BESTER AND BRING HIM/HER BEFORE THE DISTRICT COURT OF JEFFERSON COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

USE/POSS DRUG PARAPH CLASS: A TYPE: M COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 26 DAY OF MARCH, 2008.

BOND SET AT: (1) \$3,000.00 BOND TYPE:
(2) _____
(3) _____

Marlene Coker
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: USE/POSS DRUG PARAPH 13A-012-260(C) M MISDEMEANOR

NAME: DURRELL BESTER

ALIAS:

ADDRESS: _____

ALIAS:

ADDRESS: _____

CITY: _____

STATE: AL

ZIP: _____

PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: _____

RACE: B

SEX: M

HAIR: BLK

EYE: BRO HEIGHT: 6'01" WEIGHT: 220

SID: 000000000 SSN: _____ DL NUM:

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

() PLACING DEFENDANT IN THE JEFFERSON COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

THIS 26TH DAY OF MARCH 2008

MIKE HALE
SHERIFF

COMPLAINANT: EATON DEP M W
JCSO 325-1450
NARC
BIRMINGHAM AL 35203

OPERATOR: MEC

DATE: 03/26/2008

COMMITTED TO JAIL

MAR 24 2008

MIKE HALE
SHERIFF

CRO372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: DC 2008 003378.00
 OPER: ROW CASE ACTION SUMMARY
 PAGE: 1 DISTRICT CRIMINAL RUN DATE: 03/27/2008
 IN THE DISTRICT COURT OF JEFFERSON JUDGE: WDL

STATE OF ALABAMA VS BESTER DURRELL
 CASE: DC 2008 003378.00

DOB: [REDACTED] SEX: M RACE: B HT: 6 01 WT: 220 HR: BLK EYES: BRO
 SSN: [REDACTED] ALIAS NAMES:
 CHARGE01: USE/POSS DRUG PARAPH CODE01: VDRI LIT: USE/POSS DRUG TYP: M #: 001
 OFFENSE DATE: 03/24/2008 AGENCY/OFFICER: 0010000 M EATON

DATE WAR/CAP ISS: DATE ARRESTED: 03/24/2008
 DATE INDICTED: DATE FILED: 03/27/2008
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$3,000.00 SURETIES:

DATE 1: 04/01/2008 DESC: HEAR TIME: 0900 A
 DATE 2: DESC: TIME: 0000

TRACKING NOS: WR 2008 000765 00 /

DEF/ATY:

TYPE:

TYPE:

00000

00000

PROSECUTOR:

OTH CSE: WR200800076500 CHK/TICKET NO: 530697 GRAND JURY:
 COURT REPORTER: SID NO: 000259194
 DEF STATUS: JAIL DEMAND: OPER: ROW

NOTE: **DC08 3378-79

DATE ACTIONS, JUDGEMENTS, AND NOTES

3-28-08

It appearing to the Court that the defendant
 is without funds and unable to employ counsel,
 and being indigent, and upon defendant's request
 that the Court appoint counsel to represent him
 In this cause, the court hereby appoints:

Billy Benson Attorney at Law,
 to represent him, and the case is
 passed to the 2 day of May, 08
 at 9:00 A.M. REISSUE

WDL
 JUDGE

4-2-08

Case passed to 4-9-08 at 9:00 A.M. Reissue WDL

CRO369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: DC 2008 003378.00
JUDGE ID: WDLSTATE OF ALABAMA VS BESTER DURRELL
DATE ACTION, JUDGMENTS, CASE NOTES

4-9-08

Case passed to 3-14-08 at 1:30 p.m. Reissue WDL Prelim

5-14-08

Case passed to 7-9-08 at 1:30 p.m. Reissue WDL Prelim

7/14/08

The court hereby transfers this case to the
Circuit Court for the Tenth Judicial Circuit.
Bond set at 3,000

JEFFERSON COUNTY JAIL
IDENTIFICATION CARD

JL # 20002755 JCID # 333194 CLASS PV63 DATE 01-26-2000

BOOKING DEP. CBP SEARCH DEP. H21 CELL # 9-0-12 TIME 1335

NAME MISTER, DUNNELL
TRUE NAME

CHARGE WARRANT # BOND
POSSESSING FIREARMS
TRAFFIC

CASE #

HOLDOVER POST DOWN
NONE NONE

PROPERTY

PL. AL JAIL / [Signature]

FILED IN OFFICE
DISTRICT CRIMINAL

SIGNATURE X

MAR 25 2008

(SIGNATURE DENOTES RECEIPT OF PROPERTY ITEMS LISTED)

EMERGENCY INFORMATION

ANNE-MARIE ADAMS
Clerk

NAME NAME DUNNELL
ADDRESS

PHONE [Redacted]

BIRTH PLACE
HOME PHONE [Redacted]

RACE B SEX M AGE [Redacted]

DOB [Redacted] WGT. 205

HGT. 5'03" EYES BRN HAIR BLK

SSN # [Redacted] AIS # 21996400

LIVES [Redacted]

35717
SPOUSE'S FIRST NAME

MARRIED/SINGLE
EMPLOYED BY DISABLED

FATHER HINES, JOHNNY MOTHER DOROTHY
ADDRESS 11555 1ST BIRMINGHAM

COMMITTING ORI
AGENCY AL0010000
2050

ARRESTING OFFICER
BADGE # DUNNELL



STATE OF ALABAMA

VS.

Durrell BosterDISTRICT CRIMINAL COURT OF
JEFFERSON COUNTY, ALABAMA

ADVICE OF RIGHTS ON INITIAL APPEARANCE BEFORE JUDGE OR MAGISTRATE

This is a first appearance hearing. You are charged with committing the criminal offense of

Poss Drug Parap, Traffice Cocaine

In the Birmingham Division of Jefferson County. The purpose of this hearing is to insure that you know and understand the charge or charges against you. At this hearing, there will be no determination made of your guilt or innocence as to the crime charged, but only a determination that you know and understand the charge or charges against you. If you are before the court on a complaint following a warrantless arrest, the magistrate will determine whether there is a probable cause for the charge against you. Another purpose is to determine whether bail should be set in your case, or, if it has been already set, if it should remain the same, be raised, be lowered or whether you should be released upon your personal recognizance, that is, your promise to appear for future court proceedings, or released in the custody of some responsible person. In order for me to make this determination, it will be necessary for me to ask you some questions concerning your ties with the community.

You have a right to an attorney. You have a right to have your own attorney and will be given time and opportunity to hire an attorney. If you are unable to afford an attorney, the court will appoint one for you if you qualify for such representation. It will be necessary for you to complete an indigency questionnaire under oath in order for the court to make this determination. You have a right to talk with your attorney, family or friends. You have a right to remain silent. Anything you say may be used against you. If you are charged with a felony, unless you have been charged by indictment returned by the Grand Jury, you are entitled to demand a preliminary hearing before a judge to determine whether there is sufficient evidence to establish that you probably committed the crime or crimes charged, he will then bind you over for further action by a grand jury. If, on the other hand, the judge finds that the evidence is insufficient to establish that you probably committed the crime or crimes charged, then he will dismiss the charge and discharge you from further custody or pretrial obligations subject to the right of the prosecution to reinstate the charge against you at a later time.

If released from custody, you are instructed to notify the court promptly of any change of your address.

I have read or have had read to me the above, and I understand my rights.

March 25, 2008

X

Durrell Boster

DEFENDANT

DEFENDANT'S ADDRESS

The defendant was brought before the court for Initial Appearance March 25, 2008 where upon the Court:

1. (X) determined the correct name and address of the Defendant.
2. (X) Informed the Defendant of the charges against him.
3. (X) Informed the Defendant of Defendant's right to hire an attorney.
- (X) Advised the defendant that if he is unable to obtain counsel and is indigent that the court will appoint counsel for the Defendant.
4. (X) Informed the Defendant that he has the right to remain silent.
5. (X) Set in the conditions for his release subject to the mandatory provisions prescribed in Rule 7.3 (R)
A. R Criminal Procedures. The defendant's bond is set as follows:
() Recognized () Unsecured () Secured () Other Conditions:
6. (X) Informed the Defendant of his right to a preliminary hearing in this case if requested:

DATE: March 25, 2008

WDL

Judge



Court Case Numbers:

2080 3755

DC-08-3378

Notice: THIS BOND MUST BE SIGNED with INK and will not be approved if signatures are made with Pencil.

CONSOLIDATED APPEARANCE BOND

SHERIFF - 28

The State of Alabama,
JEFFERSON COUNTY

We, Durrell Bester

Principal (Defendant) and

NAME:

1)

Lopoldia Myrick

2)

SS#:

NAME:

3)

4)

SS# :

NAME:

5)

6)

SS# :

sureties, agree to pay to the State of Alabama

\$ 3000.⁰⁰

Dollars,

unless the said Defendant appears at the present term of the DISTRICT COURT, Jefferson County, Alabama, or at the next session of CIRCUIT COURT of said County; and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Possession of Drug Paraphernalia

and we hereby waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and were hereby severally certify that we have property over and above all debts and liabilities of the full amount of the above bond.

Defendant is released on bond on the aforementioned sum with the following conditions: (1) Appear to answer and submit to the orders and process of the Court having jurisdiction of the case; (2) Refrain from committing any criminal offense; (3) Not depart from the State without leave of the Court; (4) Promptly notify the Court of any Change of address; (5) The defendant shall have no contact or communication, in any form, with the Complainant / Alleged Victim. In furtherance of this condition, Defendant shall not be in or upon the premises of the Complainant / Alleged Victim; and (6) the following conditions, if applicable:

(6):

(7):

(X) Durrell Bester

Defendant Sign This Line

Street Address

City

Zip

Phone Number

1)

2)

3)

4)

5)

6)

Approved this the

8th

day of

April20 08Don Hale

Sheriff, by

Captain C. G. Gentry

Deputy Sheriff

IN THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA,

vs.

DURRELL BESTER,

Defendant.

CASE NUMBERS: DC-08-3378 and
DC-08-3379

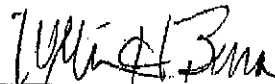
MOTION FOR PRELIMINARY HEARING

Pursuant to Alabama Rules of Criminal Procedure 5.1(a), the Defendant, DURRELL BESTER, by and through his counsel, shows the Court that he was arrested on or about March 24, 2008, and charged with the felony offense of trafficking illegal drugs, specifically, cocaine and the offense of possession of drug paraphernalia.

The Defendant further shows that he is currently incarcerated in the Jefferson County Jail under a total of Two Hundred Fifty Three Thousand Dollar (\$253,000.00) bond, and the Defendant shows that he cannot hope to make and post such a large bond.

Wherefore, the Defendant respectfully requests that a preliminary hearing under the provisions of the Alabama Rules of Criminal Procedure be scheduled and held at the earliest practicable date.

Respectfully submitted,



William H. Benson
State Bar I.D. No. BEN047

OF COUNSEL:

729 9th Avenue South
Birmingham, Alabama 35205
(205)458-3910

CERTIFICATE OF SERVICE

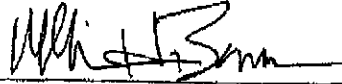
I hereby certify that I have served a copy of the foregoing Motion for Reduction of Bail, upon counsel via hand delivery this the 9th day of April, 2008:

Kechia Sanders, Esq.
Assistant District Attorney
Criminal Justice Center
801 Richard Arrington Jr. Blvd. N
Birmingham, Alabama 35203



OF COUNSEL

Respectfully submitted,



William H. Benson
State Bar I.D. No. BEN047

OF COUNSEL:

729 9th Avenue South
Birmingham, Alabama 35205
(205)458-3910

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Reduction of Bail, upon counsel of in open court this the 2nd day of April, 2008:

Kechia Sanders, Esq.
Assistant District Attorney
Criminal Justice Center
801 Richard Arrington Jr. Blvd. N
Birmingham, Alabama 35203



OF COUNSEL

OFFENSE

Unit. Poss. Drug Para.

CASE #

20080309059

S5#

423-08-3686

DEPOSITION

Date 03-26 2008

Issued 11/11/19

Refused _____

Bond \$3000.00

Magistrate 0

Personally appeared before me, M.W. Eaton, being by me first duly sworn, deposes and says:

On 03-24-2008 at 350 Valley avenue Birmingham, AL 35209 the

following incident occurred: The subject was a passenger in a vehicle that was stopped for having an obscured tag. I had a search warrant for the subject and his residence so he was taken into custody. I deployed my K-9 partner, Pepsi, on the vehicle. Pepsi indicated passively on a black bag in the bed of the truck that belonged to this subject. Inside this bag I located a black plastic box that contained syringes, burnt brillo pads, an ashtray, a pill splitter, and a push rod for a crack pipe.

Suspect Information

Name Bester, Durrell **Race** Black **Sex** male **DOB** [REDACTED]

Height: 6 ft. 1 in. Weight: 220 Hair Color: Black Eye Color: Brown

Resident Address 1 [REDACTED]

Works	Unemployed
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100. <i>...</i>	...

Relation to Victim None

Victim

State of Alabama

(Name)

(Address)

(Phone Number)

Witnesses

if injury to a person

Medical examination? Yes _____ No _____ Doctor or hospital _____


Results

If damage to property

Describe property stolen or damaged 100

Amount of damage

Marlene Coker
Magistrate


Affiant

ALABAMA UNIFORM ARREST REPORT

Fingerprinted	R84 Completed
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 ORI#	2 AGENCY NAME		3 CASE #		4 SFX	
	00100000	Jefferson County Sheriff's Office		080309059			
	5 LAST, FIRST, MIDDLE NAME					6 ALIAS AKA	
	Bester, Durrell						
	7 SEX	8 RACE	9 HGT.	10 WGT.	11 EYE	12 HAIR	13 SKIN
	M	W	6'1"	220	Bro	Blk	
	14 <input type="checkbox"/> 1 SCARS			15 <input type="checkbox"/> 2 MARKS			16 <input type="checkbox"/> 3 TATTOOS
	17 DATE OF BIRTH			18 AGE			19 MISCELLANEOUS ID #
	Birmingham, Jefferson, AL						
	20 SID #	21 FINGERPRINT CLASS			22 DEL #		
	KEY MAJOR PRIMARY SCOV SUB-SECONDARY FINAL			7872540			
24 FBI #	HENRY CLASS			23 ST			
	NCIC CLASS			AI			
26 <input checked="" type="checkbox"/> RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP)			28 RESIDENCE PHONE		29 OCCUPATION (BE SPECIFIC)	
<input type="checkbox"/> NON-RESIDENT				unk		None	
30 EMPLOYER (NAME OF COMPANY/SCHOOL)			31 BUSINESS ADDRESS (STREET, CITY, STATE)			32 BUSINESS PHONE	
Unemployed			n/a			n/a	
33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)			34 SECTOR	35 ARRESTED FOR YOUR JURISDICTION			
Arby's 350 Valley Ave. Birmingham, AL 35209			202121	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
36 CONDITION OF ARRESTEE		37 RESIST ARREST?	38 INJURED?	39 ARMED?			
<input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER <input type="checkbox"/> DRUGS		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> 1 NONE <input type="checkbox"/> 2 OFFICER <input type="checkbox"/> 3 ARRESTEE	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N			
40 DESCRIPTION OF WEAPON		41 DATE OF ARREST					
<input type="checkbox"/> 1 HANDGUN <input type="checkbox"/> 4 OTHER FIREARM		03/24/08 1545					
<input type="checkbox"/> 2 RIFLE <input type="checkbox"/> 5 OTHER WEAPON		42 TIME OF ARREST					
<input type="checkbox"/> 3 SHOTGUN		12:00 PM					
43 CHARGE-1		44 UCR CODE		45 CHARGE-2			
<input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD				<input checked="" type="checkbox"/> FEL <input type="checkbox"/> MISD			
Uni. Poss. Drug Para.				Trafficking Cocaine			
46 STATE CODE/LOCAL ORDINANCE		47 DATE ISSUED		48 STATE CODE/LOCAL ORDINANCE			
13A-12-260				13A-12-231			
49 CHARGE-3		50 UCR CODE		51 CHARGE-4			
<input type="checkbox"/> FEL <input type="checkbox"/> MISD				<input type="checkbox"/> FEL <input type="checkbox"/> MISD			
52 STATE CODE/LOCAL ORDINANCE		53 DATE ISSUED		54 STATE CODE/LOCAL ORDINANCE			
55 ARREST DISPOSITION		56 IF OUT ON RELEASE		57 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)			
<input checked="" type="checkbox"/> HELD <input type="checkbox"/> TOT-LIE		WHAT TYPE?					
<input type="checkbox"/> BAIL <input type="checkbox"/> OTHER				58 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)			
<input type="checkbox"/> RELEASED							
VEHICLE	70 VYR	71 VMA	72 VMO	73 VST	74 VCG TOP	75 TAG #	
					BOTTOM		
	76 VIN	77 IMPOUNDED?					
		<input type="checkbox"/> YES <input type="checkbox"/> NO					
	78 STORAGE LOCATION/IMPOUND #						
	79 OTHER EVIDENCE SEIZED/PROPERTY SEIZED						
	Drug Paraphernalia, Cellphones, Beretta .22 cal Handgun Serial# 68528						
	<input type="checkbox"/> CONTINUED IN NARRATIVE						
	80 JUVENILE <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT			81 RELEASED TO			
	DISPOSITION: <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF TO OTHER POLICE AGENCY						
82 PARENT OR GUARDIAN (LAST FIRST, MIDDLE NAME)			83 ADDRESS (STREET, CITY, STATE, ZIP)		84 PHONE		
					()		
85 PARENTS EMPLOYER		86 OCCUPATION		87 ADDRESS (STREET, CITY, STATE, ZIP)			
				()			
88 DATE AND TIME OF RELEASE		89 RELEASING OFFICER NAME		90 AGENCY/DIVISION			
M D Y				91 ID #			
92 RELEASED TO		93 AGENCY/DIVISION		94 AGENCY ADDRESS			
95 PERSONAL PROPERTY RELEASED TO ARRESTEE		96 PROPERTY NOT RELEASED/HELD AT:		97 PROPERTY			
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIAL							
98 SIGNATURE OF RECEIVING OFFICER		99 SIGNATURE OF RELEASING OFFICER		100 LOCAL USE			
101 SIGNATURE OF RECEIVING OFFICER		102 SIGNATURE OF RELEASING OFFICER		103 STATE USE			
104 CASE #		105 SFX		106 CASE #			
107 SFX		108 CASE #		109 SFX			
110 ADDITIONAL CASES CLOSED		111 ARRESTING OFFICER (LAST, FIRST, M)		112 ID #			
<input type="checkbox"/> YES <input type="checkbox"/> NO		Eaton, M.W.		9093			
113 ARRESTING OFFICER (LAST, FIRST, M)		114 ID #		115 SUPERVISOR ID #			
116 WATCH CMDR ID #		117 WATCH CMDR ID #		118 WATCH CMDR ID #			

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-80

ADDITIONAL ARREST NARRATIVE CONTINUED

117 DATE AND TIME OF ARREST:

03/24/08 1545

☐ A.M.
☒ P.M.
☐ M.L.

118 CASE #

080309059

119 873X

120 ADDITIONAL ARREST INFORMATION

On March 24th, 2008, Deputies with the Jefferson County Sheriff's Office Vice and Narcotics unit were conducting surveillance on this subjects residence in preparation for a search warrant that was about to be executed there. Sgt. French observed an older blue pickup truck occupied by 2 white males pull into the yard. The target of the search warrant and the subject of this report, Durrell Bester, was observed coming out of the residence. The subject put several bags in the back of the truck, and then left with the subjects in the truck. We followed the truck to Twin Gate apartments. The listed subject got out of the truck and carried several bags into an apartment there. The subject then got back into the truck and they left the apartments. We continued to follow the truck, and called for a patrol unit to stop the truck.

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We followed the truck to the interstate, and headed towards downtown. The truck was followed onto 280 east bound, and the patrol unit caught up to it as it was exiting onto Valley Avenue. The patrol unit stopped the truck at the listed location, for having an obscured tag. I assisted Deputy Daniels with the traffic stop. When Deputy Daniels approached the truck he observed the listed subject, who was sitting on the passenger side of the vehicle, reaching under the seat. The subject told Deputy Daniels he had dropped his cell phone and was retrieving it. I got the listed subject out of the truck and informed him that I had a search warrant for him and his residence. The subject was placed in the back of Deputy Daniels patrol unit. I asked the driver of the truck for consent to search the vehicle, and he declined. I then deployed my K-9 partner, Pepsi, on the vehicle. we conducted an exterior free air sniff of the vehicle. Pepsi indicated passively on the passenger side door of the truck and on a black bag in the bed of the truck.

Deputy Bartels and I then conducted a physical search of the vehicle. I looked under the passenger side of the seat, and found the listed handgun and a cell phone. Deputy Washington ran the serial number on the gun to check for stolen, and it came back negative. I will turn the handgun over to the evidence collection unit so that it can be fingerprinted. In the black bag in the bed of the truck I found a black plastic box. In this box I located pieces of torn off brillo pad, syringes, an ashtray, a pill splitter, and a push rod for a crack pipe. The subject was placed under arrest at this time for Unlawful Possession of Drug Paraphernalia. Deputy Daniels transported the subject to the county jail where he was held on \$3000 bond.

A knock and talk was conducted at the apartment this subject was seen going into during the time that we followed him. (See I/O Report # 20080308801) Approximately 75 grams of powder and crack cocaine were recovered from this apartment. I added a charge of Trafficking Cocaine with a \$250000 bond to the subject.

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION
CRIMINAL DIVISION**

STATE OF ALABAMA,

VS.

DURRELL BESTER,

Defendant.

)
)
)
)
)
)
)

**CASE NOS.: CC-08-3771
CC-08-3772**

MOTION FOR DISCOVERY

The Defendant, DURRELL BESTER, by and through his counsel, William H. Benson, moves this Honorable Court to require the State of Alabama to disclose to his counsel, and provide and/or permit him to inspect, copy, test and/or photograph the following:

1. All statements, written or oral; any and all tape recordings and stenographic transcriptions of admissions, confessions and statements, made by this Defendant to any person at any time, before or after his arrest in this case, including the name and address of the person[s] to whom the statement[s] was[were] made, including, but not limited to those relevant to:

- a. the alleged crime;
- b. the investigation of that crime; and
- c. any condition of the Defendant, including, but not limited to his mental or physical state:
 - i. at the time of the alleged crime;
 - ii. at the time of any statements of the Defendant described in paragraphs 1.a. through c.;
 - iii. at any other time subsequent to the alleged crime.

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 FEB 17 2009
 ANNE-MARIE ADAMS
 CIRCUIT CRIMINAL CLERK

SCANNED FEB 16 2009

2. All statements, written or oral, made by any co-defendants to any person at any time, before or after his arrest in this case, including the name and address of the person[s] to whom the statement[s] was[were] made, including, but not limited to those relevant to:

- a. the alleged crime;
- b. the investigation of that crime; and
- c. any condition of the co-defendant, including, but not limited to his mental or physical state:
 - i. at the time of the alleged crime;
 - ii. at the time of any statements of the co-defendant described in paragraphs 1.a. through c.;
 - iii. at any other time subsequent to the alleged crime.

3. Any and all tangible objects, currency, weapons, books, papers, and documents obtained from or belonging to the Defendant.

4. The names and addresses of all persons the prosecution proposes to offer as witnesses at the trial or any hearings of this case, and any persons with knowledge of any facts and circumstances surrounding the crime or the Defendant.

5. The names and address of all persons who have given recorded statements to the prosecution or any law enforcement officer.

6. The names and addresses of all persons who have given oral statements to the prosecution or any law enforcement officer.

7. Copies of all written and/or oral statements referred to in paragraph 5 or 6 of this motion, including memoranda, summaries or recordings of such statements, as well as grand jury testimony.

8. All memoranda, documents and reports to, from and between law enforcement officers connected with the subject matter of this case.

9. All memoranda, documents and reports to, from and between the investigative staff of the prosecution, excluding those portions, if any, which contain the opinions, theories, or conclusions of the prosecuting attorney or members of their legal staff.

10. The criminal records and any list or summary reflecting criminal records of all persons whom the prosecution intends to call as a witness at trial.

11. All evidence in the prosecutor's possession or available to the prosecution which is favorable to the Defendant on the issue of guilt, including, but not limited to:

- a. Unfavorable evidence with respect to prosecution witnesses;
- b. Unfavorable evidence respecting any co-defendants;
- c. Any and all evidence, letters, memoranda or other material of any nature disclosing bias and/or prejudice or prejudgment by citizens of this county against the Defendant and/or his co-defendants, and the identity of the person making statements indicating such views;
- d. Any and all other information respecting any prosecution witness which is favorable to the Defendant on the issue of guilt;
- e. Statements made by any persons which are exculpatory with respect to the Defendant, including all statements made by prospective witnesses.

12. All evidence in the prosecution's possession or available to the prosecution which is favorable to the Defendant on the issue of punishment, including, but not limited to evidence disclosing that:

- a. The Defendant has no significant history of prior criminal activity or the Defendant has no significant history of violent crime;
- b. The offense was committed while the Defendant was under the influence of extreme mental or emotional disturbance;
- c. The Defendant was an accomplice and his participation was relatively minor;
- d. The Defendant acted under extreme duress or under the substantial domination of another person;
- e. The capacity of the Defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired; and
- f. Partial or total negation of any evidence offered by the State in support of any alleged aggravating circumstance.

13. All physical or documentary evidence, including diagrams, sketches, books, papers, documents, photographs or tangible objects in the possession of the prosecution, law enforcement personnel, or prosecution witness that relate to this case or this Defendant in any way.

14. All diagrams, sketches and photographs which have been made by or shown to any witnesses or prospective witnesses in this case, as well as the identity of each witness to whom this material was shown.

15. All records and reports of every kind reflecting the conduct or results of any medical, pathological, toxicological, chemical, biochemical, criminalistic, laboratory, forensic or

scientific examination, investigations and analyses undertaken in connection with the investigation or preparation of this case.

16. The results and reports of any scientific or other tests, analyses, experiments or studies made in connection with this case.

17. All records and reports relating to the Defendant, including:

- a. All juvenile detention, jail, prison, parole, probation and presentence investigation records;
- b. All arrest, conviction, and adult and juvenile criminal offense records;
- c. All records of any law enforcement authority;
- d. All records of any detention or court authority;
- e. All records which the prosecution or any law enforcement official has submitted to any professional personnel for examination or analysis in connection with this case.

18. All records and reports relating to any witness, including:

- a. All juvenile detention, jail, prison, parole, probation and presentence investigation records;
- b. All arrest, conviction, and adult juvenile criminal offense records;
- c. All records of any law enforcement authority;
- d. All records of any detention or court authority;
- e. All records of any prosecuting authority;
- f. All psychiatric, psychological and mental health records;
- g. All education records;
- h. All immigration records;

i. All records and reports.

19. A statement as to whether the prosecution will rely on prior acts or convictions of a similar nature for proof of knowledge or intent, including description of each act or conviction to be relied upon, if any.

20. A list of all expert witnesses the prosecution intends to call at trial, along with each expert's qualifications, the subject and a description of his or her contemplated testimony, and his or her report.

21. A statement as to whether the prosecution intends to introduce any prior convictions of the Defendant in the sentencing phase of the trial.

The materials sought by this motion are essential to insure the Defendant his right to a fair trial, his right to confrontation, his right to prepare a defense in his own behalf, his right to effective assistance of counsel and his right to due process of law, all of which are guaranteed by the United States Constitution and the Constitution of the State of Alabama. Wherefore, the Defendant respectfully requests this Honorable Court to Order the production of the foregoing materials.

Respectfully submitted,



William H. Benson (BEN047)
Attorney for Defendant, Durrell Bester

OF COUNSEL:

1117 22nd Street South
Suite 108
Birmingham, Alabama 35205
205.776.2055
205.776.2040 (facsimile)

**IN THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT
JEFFERSON COUNTY, ALABAMA
CRIMINAL DIVISION**

ORIGINAL

STATE OF ALABAMA,

Plaintiff,

vs.

DURRELL BESTER,

Defendant.

CASE NO. CC2008-3771

STATE'S REQUEST FOR DISCLOSURE

As provided in the Alabama Rules of Criminal Procedure, Rule 16.2, the State hereby requests that the Defendant: (Please check appropriate block.)

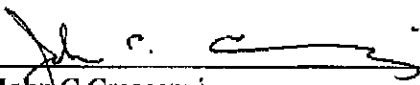
- ☒ A. Permit the State to analyze, inspect and copy or photograph any books, papers, documents, photographs, tangible objects.
- ☒ B. Permit the State to inspect and copy any results or reports of physical or mental examinations, whether written or otherwise.
- ☒ C. Permit the State to analyze, inspect and copy any scientific tests or experiments made in connection with this case, whether written or otherwise.
- ☒ D. Permit the State to analyze, inspect and copy any and all reports from any expert in connection with this case, whether written or otherwise.
- ☒ E. To produce any of the above, under Defendant's continuing duty to disclose, pursuant to A.R.Cr.P. 16.3.

Respectfully submitted this the 26th day of February, 2009.

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FEB 26 2009

**ANNE-MARIE ADAMS
CIRCUIT CRIMINAL COURT**


John C. Crescenzi
Deputy District Attorney
Tenth Judicial Circuit
801 Richard Arrington Jr. Blvd N.
Birmingham, AL 35203
(205) 325-5252

SCANNED FEB 27 2009

IN THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT
JEFFERSON COUNTY, ALABAMA
CRIMINAL DIVISION

ORIGINAL

STATE OF ALABAMA,

PLAINTIFF,

v.

DURRELL BESTER,

DEFENDANT.

CASE NO. CC2008-3771

**NOTICE OF STATE'S INTENT TO PROCEED
UNDER HABITUAL OFFENDER STATUTE**

COMES NOW the State of Alabama, by and through the Office of the District Attorney, in and for the Tenth Judicial Circuit, Jefferson County, Alabama, and gives notice, pursuant to Rule 26.6 of the Ala. R. Crim. P., of its intent to proceed under Section 13A-5-9 of the Code of Alabama.

The State gives notice of the following prior convictions:

<u>Charge</u>	<u>Case No.</u>	<u>Jurisdiction</u>
DFIOD	CC1999-0970	Bessemer
DFIOD	CC1999-1278	Bessemer
UPOM 1 st	CC2001-0258	Bessemer
UPOM 1 st	CC2001-0259	Bessemer

Respectfully submitted this the 26th day of February, 2009.


John C Crescenzi
Deputy District Attorney

RECEIVED IN OFFICE

FEB 26 2009

ANNE-MARIE ADAMS
CIRCUIT CRIMINAL COURT

SCANNED FEB 27 2009

**IN THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT
JEFFERSON COUNTY, ALABAMA
CRIMINAL DIVISION**

ORIGINAL

STATE OF ALABAMA,

PLAINTIFF,

vs.

DURRELL BESTER,

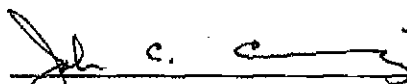
DEFENDANT.

CASE NO. CC2008-3771

NOTICE OF INTENT TO OFFER PROOF BY CERTIFICATE OF ANALYSIS

COMES NOW the State, by and through its District Attorney, and gives notice to all parties of its intent to offer proof by a Certificate of Analysis, a copy of which is attached, pursuant to Alabama Code, Section 12-21-301 (Michie 1995).

Respectfully submitted on this the 26th day of February, 2009.



John C. Crescenzi
Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing on the attorney of record for the Defendant as follows:

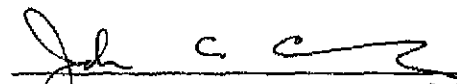
Mr. William Howard Benson III.
Attorney at Law
1117 22nd St S Ste 108
Birmingham, AL 35205-2813

via United States Mail on this the 26th day of February, 2009.

RECEIVED IN OFFICE

FEB 26 2009

ANNE-MARIE ADAMS
CIRCUIT CRIMINAL COURT



John C. Crescenzi
Deputy District Attorney

SCANNED FEB 27 2009

COURT ORDERED PROBATION SERVICES

NAME DURRELL BESTERCase No.(s) CC-08-3772ADDRESS [REDACTED]
StreetCC-08-3771City [REDACTED] State [REDACTED] Zip [REDACTED]TELEPHONE [REDACTED]Soc. Sec. No.: [REDACTED]

ACTION ORDERED:

DATE 4/8/09

- ☒ Must Go To TASC
☒ Pre-Sentence Investigation
☐ Probation Investigation
☐ Youthful Offender Investigation
☐ Notice of Conviction
☐ Update Previous Investigative Report
☐ Other

DEFENDANT MUST REPORT IN PERSON TO:

TASC
 401 Beacon Pkwy, West
 Birmingham, AL 35233
 Telephone: (205) 917-3780

STATE PROBATION OFFICE
 2721 2nd Avenue No.
 Birmingham, AL 35203
 Telephone: (205) 323-1091

☒ JAIL
☐ BOND

CHARGE(S) TRAFFICKING FAILURE TO AFFIX TAX CONVICTED SAMEDate of Conviction or Plea 4/8/09

Sentence _____

Sentence Deferred Until Hearing Date ☒

Sentence: _____ Penitentiary; _____ Hard Labor; _____ Jail; _____ FLYC

Race: _____ White ☒ Black; Other _____ Sex: ☒ Male _____ FemaleBirthdate: _____, Age _____; Married _____ Single ☒Health ☒ Good _____ Fair _____ Bad; Occupation _____

() Defendant Refused to Provide Information Requested.

REFERENCE:

Wife or Husband _____

Address _____

Parent DOROTHY BESTER

Address _____

Other Reference _____

Address _____

The Action ordered in the above style cause is hereby set for hearing on MAY 26, 2009, at 9:00 p.m., a.m.ATTORNEY'S SIGNATURE William Bester

Phone _____

CIRCUIT OR DISTRICT JUDGE [Signature]

DISTRICT ATTORNEY _____

DEFENDANT'S SIGNATURE _____

WHITE — Court File

CANARY — Probation Office/TASC PINK — Defendant GOLDENROD — Attorney

SCANNED MAY - 7 2009

ALABAMA BOARD OF PARDONS AND
PAROLES

REPORT OF INVESTIGATION

Type of Investigation: PSI Date Dictated: 04/13/2009
 Name: BESTER DURRELL PR#: PR200502106600
 Alias: Matt Eugene McDonald
 RS BM DOB: [REDACTED] Est. Age: [REDACTED] Height and Weight: 5'09" | 135
 Complexion: Color of Hair: BRO Color of Eyes: GRN
 Bodily Marks: Tattoos on Chest, Left Hand, Left Arm
 Driver's License: AL, SSN: [REDACTED]
 AIS#: 216904 FBI#: 299185LB8 SID: AL01560991
 Phone #: [REDACTED]
 Address: [REDACTED]

OFFENSE(S) OF INVESTIGATION

County: Jefferson Case #: CC 2008 003771.00

Offense(s):

TRAFFICKING-COCAINE
 FAILURE TO AFFIX STAMP

*600 pounds of drugs,
 600 pounds, turned mother's house, 4 p.m.*

Sentence(s)	Date	Begin Date	Conf Imp	Conf Susp	Probation	Restitution
TRAFFICKING-COCAINE : C						\$ 0.00
FAILURE TO AFFIX STAMP : C						\$ 0.00

Date of Arrest: 03/24/2008

Date of Bond: 04/08/2008 Bond Amt.: \$ 250000.00

Judge: CLYDE E JONES

D.A.: FALLS BRANDON KENT

Attorney: BENSON WILLIAM H III

Retained: Appointed: X

Court Ordered Restitution: \$0

NOTES:

4 p.m.

RECEIVED IN OFFICE

County: Jefferson

Case #: CC 2008 003772.00

Offense(s):

USE/POSS DRUG PARAPHERNALIA

SCANNED JUN 18 2009

MAY 26 2009
ANNE-MARIE ADAMS
Clerk

Sentence(s)	Date	Begin Date	Conf Imp	Conf Susp	Probation	Restitution
USE/POSS DRUG						\$ 0.00

PRESENT OFFENSE(S)

County Court

and Case
Number:

Jefferson, CC 2008 003771.00

Offense(s)

TRAFFICKING-COCAINE

FAILURE TO AFFIX STAMP

Sentence(s)

Date	Begin Date	Conf Imp	Conf Susp	Prob.	Rest.
TRAFFICKING-COCAINE : C					\$ 0.00
FAILURE TO AFFIX STAMP : C					\$ 0.00

Date of
Sentence:Details of
Offense:

*This is a drug trafficker
uses his mother's house*

(1) On 03/24/2008, Durrell Bester was arrested and charged with Trafficking Cocaine by Detective Mark Eaton of the Jefferson County Sheriff's Office.

According to the District Attorney's legal facts, this offense occurred on 03/24/2008, at approximately 4:45 pm at 1037 Apt. E Huffman Road Birmingham, AL. Jefferson County Detectives had a search warrant for the defendant's, Durrell Bester, residence. As Detectives were getting ready to execute the search warrant, Bester walked out the front door of his apartment at 1368 5th Place NW. He was carrying two grocery bags and two duffle bags. Bester got into a pickup truck with two guys, and put his bags in the bed of the truck. The detectives followed the truck to 1037 Apt. E Huffman Road (Bester's Mother's house). Bester got out and took one white bag into the apartment with him, but left the other bags in the truck. A few minutes later, Bester came back out without the white bag and got into the truck. The detectives followed the truck again, and got a patrol unit to stop the vehicle for an obscured tag. In addition to the search warrant for Bester's residence, Detectives also had a search warrant for Bester's person. When Officer Daniels approached, he saw Bester reach under the passenger seat. Bester was taken into custody to execute the search warrant on his person. Detectives asked for consent to look through the truck and consent was denied by the driver of the truck, Josh Cody. Detective Eaton then walked his drug dog around the truck. The dog indicated on a black gym bag in the back of the truck. Inside the gym bag was a black box with assorted drug paraphernalia. The dog also indicated on the passenger compartment of the truck. Under the seat where the defendant had been sitting, Detective Eaton found a Beretta .22 caliber handgun. Bester was arrested for drug paraphernalia and taken to the county jail. Detective's then returned to Bester's Mother's residence. Bester maintained a bedroom at her home. Sergeant French contacted Bester's Mother, Dorothy Bester. She signed a consent form to search her apartment. French asked her about the white bag defendant Bester brought into her apartment. Ms. Bester showed Detectives where the bag was hidden (behind a stereo in defendant Bester's room). The bag contained approximately 75 grams of crack and powder cocaine, and a set of digital scales. Ms. Bester gave a written statement that the bedroom belonged to her son, defendant Durrell Bester. In the middle of the bedroom floor was another bag, which contained a box of plastic baggies, digital scales, and a Pyrex measuring cup with cocaine residue.

Detectives then went to defendant Bester's apartment to execute the original search warrant. Bester lived in the apartment, but it was in his girlfriend's name. In their bedroom, Detectives found baggies with cocaine residue and paperwork with the name of Durrell Bester. Another set of digital scales containing crack cocaine residue was found in the kitchen cabinets.

(2) On 03/24/2008, Durrell Bester was arrested and charged with Failure to Affix Stamp by Detective Mark Eaton of the Jefferson County Sheriff's Office.

According to the District Attorney's legal facts, this offense occurred on 03/24/2008, at approximately 4:45 pm at 1037 Apt. E Huffman Road Birmingham, AL. Jefferson County Detectives had a search warrant for the defendant's, Durrell Bester, residence. As Detectives were getting ready to execute the search warrant, Bester walked out the front door of his apartment at 1368 5th Place NW. He was carrying two grocery bags and two duffle bags. Bester got into a pickup truck with two guys, and put his bags in the bed of the truck. The detectives followed the truck to 1037 Apt. E Huffman Road (Bester's Mother's house). Bester got out and took one white bag into the apartment with him, but left the other

bags in the truck. A few minutes later, Bester came back out with the white bag and got into the truck. The detectives followed the truck again, and got a patrol unit to stop the vehicle for an obscured tag. In addition to the search warrant for Bester's residence, Detectives also had a search warrant for Bester's person. When Officer Daniels approached, he saw Bester reach under the passenger seat. Bester was taken into custody to execute the search warrant on his person. Detectives asked for consent to look through the truck and consent was denied by the driver of the truck, Josh Cody. Detective Eaton then walked his drug dog around the truck. The dog indicated on a black gym bag in the back of the truck. Inside the gym bag was a black box with assorted drug paraphernalia. The dog also indicated on the passenger compartment of the truck. Under the seat where the defendant had been sitting, Detective Eaton found a Beretta .22 caliber handgun. Bester was arrested for drug paraphernalia and taken to the county jail. Detective's then returned to Bester's Mother's residence. Bester maintained a bedroom at her home. Sergeant French contacted Bester's Mother, Dorothy Bester. She signed a consent form to search her apartment. French asked her about the white bag defendant Bester brought into her apartment. Ms. Bester showed Detectives where the bag was hidden (behind a stereo in defendant Bester's room). The bag contained approximately 75 grams of crack and powder cocaine, and a set of digital scales. Ms. Bester gave a written statement that the bedroom belonged to her son, defendant Durrell Bester. In the middle of the bedroom floor was another bag, which contained a box of plastic baggies, digital scales, and a Pyrex measuring cup with cocaine residue.

Detectives then went to defendant Bester's apartment to execute the original search warrant. Bester lived in the apartment, but it was in his girlfriend's name. In their bedroom, Detectives found baggies with cocaine residue and paperwork with the name of Durrell Bester. Another set of digital scales containing crack cocaine residue was found in the kitchen cabinets.

**On Probation
At Arrest:** No

**On Parole At
Arrest:** No

**Serious
Physical
Injury
Barring
Parole:** No

**Subject's
Statement:** (1) None

**Case Status
of Co-
defendants:** (1) None

**Victim
Notification
Information:**

**Victim
Impact:** (1) N/A

Victim Age: None

**Location of
Offense:** Jefferson County

**Court
Ordered
Restitution:** \$0

**County Court
and Case
Number:** Jefferson, CC 2008 003772.00

Offense(s)

USE/POSS DRUG PARAPHERNALIA

Sentence(s)**Date Begin Date****Conf Imp****Conf Susp****Prob.****Rest.**

USE/POSS DRUG PARAPHERNALIA :

\$ 0.00

**Date of
Sentence:****Details of
Offense:**

(1) On 03/24/2008, Durrell Bester was arrested and charged with Unlawful Possession of Drug Paraphernalia by Detective Mark Eaton of the Jefferson County Sheriff's Office.

According to the District Attorney's legal facts, this offense occurred on 03/24/2008, at approximately 4:45 pm at 1037 Apt. E Huffman Road Birmingham, AL. Jefferson County Detectives had a search warrant for the defendant's, Durrell Bester, residence. As Detectives were getting ready to execute the search warrant, Bester walked out the front door of his apartment at 1368 5th Place NW. He was carrying two grocery bags and two duffle bags. Bester got into a pickup truck with two guys, and put his bags in the bed of the truck. The detectives followed the truck to 1037 Apt. E Huffman Road (Bester's Mother's house). Bester got out and took one white bag into the apartment with him, but left the other bags in the truck. A few minutes later, Bester came back out without the white bag and got into the truck. The detectives followed the truck again, and got a patrol unit to stop the vehicle for an obscured tag. In addition to the search warrant for Bester's residence, Detectives also had a search warrant for Bester's person. When Officer Daniels approached, he saw Bester reach under the passenger seat. Bester was taken into custody to execute the search warrant on his person. Detectives asked for consent to look through the truck and consent was denied by the driver of the truck, Josh Cody. Detective Eaton then walked his drug dog around the truck. The dog indicated on a black gym bag in the back of the truck. Inside the gym bag was a black box with assorted drug paraphernalia. The dog also indicated on the passenger compartment of the truck. Under the seat where the defendant had been sitting, Detective Eaton found a Beretta .22 caliber handgun. Bester was arrested for drug paraphernalia and taken to the county jail. Detective's then returned to Bester's Mother's residence. Bester maintained a bedroom at her home. Sergeant French contacted Bester's Mother, Dorothy Bester. She signed a consent form to search her apartment. French asked her about the white bag defendant Bester brought into her apartment. Ms. Bester showed Detectives where the bag was hidden (behind a stereo in defendant Bester's room). The bag contained approximately 75 grams of crack and powder cocaine, and a set of digital scales. Ms. Bester gave a written statement that the bedroom belonged to her son, defendant Durrell Bester. In the middle of the bedroom floor was another bag, which contained a box of plastic baggies, digital scales, and a Pyrex measuring cup with cocaine residue.

Detectives then went to defendant Bester's apartment to execute the original search warrant. Bester lived in the apartment, but it was in his girlfriend's name. In their bedroom, Detectives found baggies with cocaine residue and paperwork with the name of Durrell Bester. Another set of digital scales containing crack cocaine residue was found in the kitchen cabinets.

**On Probation
At Arrest:** No**On Parole At
Arrest:** No**Serious
Physical
Injury
Barring
Parole:** No**Subject's
Statement:** (1) None**Case Status
of Co-
defendants:** (1) None**Victim
Notification
Information:****Victim
Impact:** (1) N/A

Victim Age: None

Location of
Offense: Jefferson CountyCourt
Ordered \$0
Restitution:

RECORD OF ARREST(S)

Date	Agency ORI	Type	Charge	Disposition
02/12/1999	Jefferson-Bessemer SO	Prior Adult	Discharging Gun into Occupied Building CC1999-970	Other: ***** 02/27/2001 Guilty Plea Confinement 10 years
05/18/1999	Jefferson County So	Prior Adult	Assault 1st	Other: ***** No Disposition Found During Criminal Records Check
12/06/1999	Jefferson-Bessemer SO	Prior Adult	Discharging Gun into Occupied Building CC2000-339	Other: ***** 02/27/2001 Nolle Prossed
12/06/1999	Jefferson-Bessemer SO	Prior Adult	(Charge 1) Attempted Murder DC1999-3990	Other: ***** 03/09/2000 No Probable Cause Found
12/06/1999	Jefferson-Bessemer SO	Prior Adult	(Charge 2) Public Peace/Shooting into Occupied Building	Other: ***** No Disposition Found During Criminal Records Check
07/14/2000	Jefferson-Bessemer SO	Prior Adult	Unlawful Possession of Marijuana 1st CC2001-258	Other: ***** 05/04/2001 Guilty Plea Confinement 10 years
07/14/2000	Jefferson-Bessemer SO	Prior Adult	Unlawful Possession of Marijuana 1st CC2001-259	Other: ***** 05/04/2001 Guilty Plea Confinement 10 years
07/14/2000	Jefferson-Bessemer SO	Prior Adult	Unlawful Distribution of a Controlled Substance DC2000-2238	Other: ***** 05/17/2001 No Probable Cause Found
08/28/2000	Jefferson County SO	Prior Adult	Attempted Murder	Other: ***** No Disposition Found During Criminal Records Check
02/28/2006	Birmingham PD	Prior Adult	Operating Vehicle without Insurance 9509551	Other: ***** 05/08/2006 Nolle Prossed Fine \$113.00
02/28/2006	Birmingham PD	Prior Adult	Safety Belts Required 9509552	Other: ***** 05/08/2006 Guilty Fine \$25.00
02/28/2006	Birmingham PD	Prior Adult	No State Drivers License 9509553	Other: ***** 05/08/2006 Nolle Prossed Fine \$163.00

03/09/2006	Jefferson-Bessemer SO	Prior Adult	Driving While Suspended TR2006-660	Other: ***** 04/25/2006 Nolle Prossed with Conditions
06/05/2006	Jefferson-Bessemer SO	Prior Adult	Failure to Stop at Sign 0600386500	Other: ***** 06/26/2006 Guilty
07/17/2006	Birmingham PD	Prior Adult	Speeding 9647141	Other: ***** 09/27/2007 Nolle Prossed Fine \$113.00
04/07/2007	Birmingham PD	Prior Adult	Disregarding Color of Traffic Signal 9874521	Other: ***** 09/27/2007 Nolle Prossed Fine \$113.00
07/12/2008	Birmingham PD	Prior Adult	Operating Vehicle without Insurance 10382721	Other: ***** 09/09/2008 Dismissed

PERSONAL/SOCIAL HISTORY**Marital Status/History Single**

Name	Address	DOB	DOD	Marriage Begin/End
------	---------	-----	-----	--------------------

Children

Name	Address	DOB	DOD	Other Parent
None				

Housing History

Orphanage:	No	Homeless:	No
Foster Home:	No	Other Institution:	No
Boarding School:	No		

Health

Physical Disability:	Yes	Gunshot wound in left leg
Mental Disability:	Yes	Other
Psychological Report:	No	
Prescribed Medications:	No	
Defendants Opinion Of Drug Problem:	Denies	
Past Drugs:	Yes	marijuana
Treatment History:		
Present Drugs:	No	
Defendants Opinion Of Alcohol Problem:	Denies	Seldom

Education

Last Grade Completed **Name/Year** **High School** **If DropOut, Reason why:**
10 Jess Lanier High School, 1997 stayed in trouble

Last Level Completed **Name/Year** **College** **If DropOut, Reason why:**
None,

Further Education/Training
Type **Place** **Length** **Completed**

Financial Status**Owns:**

Money Owed	To	Amount
	State of Alabama Court System	\$2385.88

Employment History

Type/Employer	Begin Date	# Months	Pay	Reason For Leaving
\ No Previous Employment	/			

Military Record

Registered W/Selective Service	Served	Length Of Service	Discharge Type
Yes	None		

Discharge Reason	Highest\Discharge Rank	Military Job Title	Medals/Awards

Notes:**Offender's Family****Parents**

Father	Address	DOB	Felony Conv.	Deceased
Johnny B. Hines	[REDACTED]		No	No
Mother	Address	DOB	Felony Conv.	Deceased
Dorothy Bester	[REDACTED]	[REDACTED]	No	No

Siblings

Name	Address	DOB	Felony Conv.
Le'Otis Edwards	[REDACTED]		Yes
Latasha Conwell	[REDACTED]		No

Notes:**Personal Relationship**

Relationship w/father: N/A

Relationship w/mother: Good

Relationship w/siblings: Good

PROBATION PLAN

Home

Living With

Address

Relation

Wakelsha Coleman

Girlfriend

Employment

Employer

Address

Phone

Pay Rate

Receives SSI

Character References

Name

Address

Phone

Opinion

Will bring reference letters to Court.

Treatments

Treatment Type

Treatment Description

The personal information was obtained through an interview with the defendant at the Jefferson County jail, on 04/23/2009.

The defendant stated he was diagnosed and treated for depression through Western Mental Health from 2001 through 2004. He stated he is not currently taking medication for depression. The defendant also stated he has a learning disability. He stated he receives an SSI check for approximately \$680.00 per month due to this illness. The defendant reported having physical problems walking, due to a gunshot wound to his left leg in 2007.

Officer Remarks:

This Officer has no documentation proving or disproving the statements made by the defendant in regards to his health. Based on the information reported, this Officer recommends the defendant receive an updated mental health evaluation.

Based on our Risk and Needs Assessment, the defendant needs to obtain his GED and attend Integrity Support Group Meetings provided through the Birmingham Probation Office.

Recommendations To Court:

This Officer respectfully defers her recommendation to the Court.

Sentencing Guideline worksheets are not required for these offenses.

Signed and dated at

Alabama the 30 day of April 2009

MCCAY KRISTI

Alabama Probation and Parole Officer

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
CRIMINAL DIVISION**

STATE OF ALABAMA

)
)
)
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)
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)
)

**CASE NUMBERS: CC 08-3771 AND
CC 08-3772**

DURRELL BESTER,

Defendant.

RECEIVED IN OFFICE

JUL 06 2009

**ANNE-MARIE ADAMS
CIRCUIT CRIMINAL COURT**

NOTICE OF APPEARANCE

Comes now the undersigned counsel in this case and requests that he be made attorney of record in this case:

1. The Defendant has hired and retained the services of Attorney Martin Weinberg to represent him in motions pending the court and any appeal motions
2. The undersigned counsel has discussed this matter with current counsel of record, William Benson who has agreed to enter a motion to withdraw.

Wherefore, The Defendant respectfully requests that this Honorable Court note the change of counsel.

Respectfully submitted,


Martin Weinberg (WEI-035)

Attorney at Law

PO Box 154

Shannon, AL. 35142

attorneyweinberg@bellsouth.net

ORIGINAL

ORIGINAL

5

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION
CRIMINAL DIVISION

STATE OF ALABAMA,

VS.

DURRELL BESTER,

Defendant.

)
)
)
)
)
)

CASE NOS.: CC-08-3771
CC-08-3772

FILED IN OFFICE
AUG 11 2009
JEFFERSON COUNTY CIRCUIT COURT
CRIMINAL
ANNE-MARIE ADAMS, CLERK

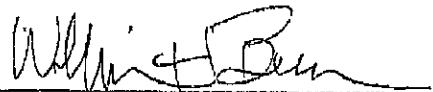
MOTION TO WITHDRAW AS DEFENSE COUNSEL

Comes now, William H. Benson, attorney for the Defendant, Durrell Bester, and hereby requests this Honorable Court to allow him to withdraw as counsel for the Defendant, and in support thereof states:

1. On or about March 31, 2008, the Honorable William Davis Lawley appointed the undersigned to represent the Defendant of charges of trafficking cocaine and failure to affix tax stamp.
2. On or about April 9, 2009, the Defendant was convicted of the named charges after a jury trial in this Honorable Court.
3. On or about May 26, 2009, this Honorable Court sentenced the Defendant to a life sentence without the possibility of parole.
4. On or about June 25, 2009, the undersigned filed a Motion for New Trial in these cases.
5. Counsel has been informed by the family of the Defendant that Martin Weinberg has been retained to further represent in the Defendant. Mr. Weinberg notified counsel of his retention and requested the undersigned to withdraw from the case. Mr. Weinberg filed his Notice of Appearance in these cases on or about July 6, 2009.

Wherefore, William H. Benson, respectfully requests this Honorable Court to allow him to withdraw as attorney of record for the defendant.

Respectfully submitted,



William H. Benson (BEN047)
Attorney for the Defendant

OF COUNSEL:

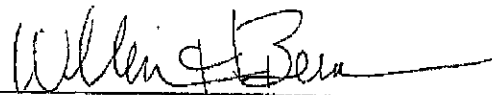
Law Office of William H. Benson
413-B Main Street
Trussville, Alabama 35173
205.655.2665
205.655.9552 (facsimile)

Certificate of Service

I hereby certify that I have mailed a copy of the foregoing upon opposing counsel by placing a copy of the same in the U.S. Mail, postage prepaid, and/or by placing a copy in the receptacle provided by the Clerk's Office for the District Attorney's Office on this the 10th day of August, 2009.

Thomas Michael Anderton, Esq.
District Attorney's Office
801 North 21st Street, Room L-01
Birmingham, Alabama 35203

Martin Evan Weinberg, Esq.
P.O. Box 154
Shannon, Alabama 35142



OF COUNSEL

OCT 06 2009

State of Alabama Unified Judicial System Form C-62A Rev.11/07	ATTORNEY'S FEE DECLARATION (Adult) [For Work Performed On or After 10/1/2000]	ANNE-MARIE ADAMS County Clerk Code 3 7	Case Number CC 2008 3771 Jurisdiction Year Case Suffix
---	--	--	--

Mark Appropriate Court:
☒ Circuit Court of JEFFERSON County
☐ District Court of _____ County
☐ Municipal Court of _____
☐ Alabama Court of Criminal Appeals
☐ Alabama Court of Civil Appeals
☐ Supreme Court of Alabama

Indicate if Original Charge is: Limits
Capital Case (or charge carrying sentence of life without parole)
Class A Felony
Class B Felony
Class C Felony
Other
Appeal
Petition for Writ of Certiorari
Post-Conviction/Habeas Corpus

☒ (NO Limit) CC
☐ (\$3,500) FA
☐ (\$2,500) FB
☐ (\$1,500) FC
☐ (\$1,000) OT
☐ (\$2,000) AP
☐ (\$2,000) WC
☐ (\$1,000) PC

Attorney Name (Please type or print)
WILLIAM H. BENSON
Social Security Number or FEIN _____

STYLE OF CASE: ☒ STATE OF ALABAMA
☐ MUNICIPALITY OF _____ v. DURRELL BESTER
Defendant

CHARGE: TRAFFICKING

Companion case numbers and charges or convictions: CC-08-3772-FAILURE TO AFFIX TAX STAMP

The undersigned attorney declares that on (date) MARCH 28, 2008, the Honorable DAVIS LAWLEY, Judge, appointed the undersigned to represent the above-named defendant or appellant, and on (date) AUG. 11, 2009 the case was heard by the Honorable CLYDE JONES, Judge. The case was disposed of by GUILTY-JURY TRIAL-LIFE WITHOUT

(Plea of guilty, conviction, acquittal, affirmance, reversal, cert. denied)

(1) In court Appearance (Trial Level or Post-Conviction Proceeding)	Total Hours <u>23.8</u> x \$ 60.00 per hour = <u>1428.00</u>
(2) Out-of-Court Preparation (Trial Level or Post-Conviction Proceeding)	Total Hours <u>24.3</u> x \$ 40.00 per hour = <u>972.00</u>
(3) Preparation (Appellate Level)	Total Hours _____ x \$ 60.00 per hour = _____
(4) Extraordinary Expenses (if approved in advance by court)	<u>11.85 x \$35 (OVERHEAD)</u> <u>414.75</u>
(5) Overhead Expenses (if approved in advance by court)	Total Hours <u>36.25</u> x \$ <u>12</u> Per hour = <u>435.00</u>

TOTAL CLAIM OF ATTORNEY 3249.75

NOTICE TO ATTORNEY: Complete this form. Attach a copy of a complete itemization of (1) in-court appearance; (2) out-of-court preparation; (3) preparation for appeals; (4) extraordinary expenses; and/or (5) overhead expenses reflecting the date of actions and amount of time involved in each activity. Make a copy of same for the court's record and a copy for your records.

The undersigned attorney further declares that the above claim is true and correct and represents the services actually rendered by him/her as an attorney and the amount is due and payable. I further declare that the above claim is not a duplication of charges and expenses in any case (companion or otherwise).

Signature of Attorney _____
Attorney Code BEN047

Sworn to and subscribed before me this 6TH

Day of OCTOBER 2009
Judge O Mouth

Notary Public _____

Mailing Address of Attorney (please type or print) (including city, state, and zip code)
WILLIAM H. BENSON C/O DANIELS CAPITAL CORP.
P.O. BOX 36927
BIRMINGHAM, ALABAMA 35236
Telephone Number 205.655.2665 Fax Number 205.655.9552

I, the undersigned judge, hereby certify that the foregoing claim has been presented to me, and I have reviewed the same and believe the same to be true and correct. I am further of the opinion that said attorney is not duplicating said charges and expenses in any case (companion or otherwise).

Based on the above, I hereby approve the declaration and claim in the amount of \$ 3,249.75

Done this 8th day of October 2009
[Signature]
Judge's Signature

NOTICE TO ATTORNEY AND JUDGE: Sections 15-12-21 through 15-12-23, Ala. Code 1975, provide for the payment of attorney fees and extraordinary expenses incurred by counsel appointed to represent indigent defendants at the trial level on appeal (including petition for writ of certiorari to the Alabama Supreme Court) and in post-conviction proceedings.

THIS FORM MUST CONTAIN ORIGINAL SIGNATURES OF THE ATTORNEY AND THE JUDGE. THIS FORM WITH ATTACHED ITEMIZATION MUST BE SUBMITTED TO THE TRIAL COURT JUDGE OR PRESIDING JUDGE OR CHIEF JUSTICE OF THE APPELLATE COURT (FOR APPELLATE CASES) FOR AUDIT.

Filed in the Clerk's Office at Bham, Alabama, on 10-13-09 date
OCT 06 2009

EXCEPT IN MUNICIPAL CASES, MAIL TO: State Comptroller, Indigent Defense Section, P.O. BOX 302502, Montgomery, Alabama 36102-0502
Original: Comptroller
Yellow: Court File
Pink: Attorney
CLERK

COURT ORDERED PROBATION SERVICES

NAME DURRELL BESTERCase No.(s) CC-08-3772ADDRESS [REDACTED]
StreetCC-08-3771City [REDACTED] State [REDACTED] Zip [REDACTED]TELEPHONE [REDACTED]Soc. Sec. No.: [REDACTED]

ACTION ORDERED:

DATE 4/8/09

- ☒ Must Go To TASC
☒ Pre-Sentence Investigation
☐ Probation Investigation
☐ Youthful Offender Investigation
☐ Notice of Conviction
☐ Update Previous Investigative Report
☐ Other _____

DEFENDANT MUST REPORT IN PERSON TO:

TASC
 401 Beacon Pkwy, West
 Birmingham, AL 35233
 Telephone: (205) 917-3780

STATE PROBATION OFFICE
 2721 2nd Avenue No.
 Birmingham, AL 35203
 Telephone: (205) 323-1091

☒ JAIL
☐ BOND

CHARGE(S) TRAFFICKING FAILURE TO AFFIX TAX CONVICTED SAMEDate of Conviction or Plea 4/8/09Sentence _____ Sentence Deferred Until Hearing Date ☒

Sentence: _____ Penitentiary; _____ Hard Labor; _____ Jail; _____ FLYC

Race: _____ White ☒ Black; Other _____ Sex: ☒ Male _____ FemaleBirthdate: _____ Age _____; Married _____ Single ☒Health ☒ Good _____ Fair _____ Bad; Occupation _____

() Defendant Refused to Provide Information Requested.

REFERENCE:

Wife or Husband _____ Phone: _____

Address _____

Parent DOROTHY BESTER Phone: _____

Address _____

Other Reference _____ Phone: _____

Address _____

The Action ordered in the above style cause is hereby set for hearing on MAY 262009 at 9:00 p.m., a.m.ATTORNEY'S SIGNATURE [Signature] Phone _____CIRCUIT OR DISTRICT JUDGE [Signature]

DISTRICT ATTORNEY

DEFENDANT'S SIGNATURE

WHITE — Court File

CANARY — Probation Office/TASC PINK — Defendant GOLDENROD — Attorney

SCANNED MAY - 7 2009

**PLEA OF NOT GUILTY AND WAIVER OF ARRAIGNMENT
FOR NON CAPITAL OFFENSE**

THE STATE OF ALABAMA

vs.

WARREN BOSTER

) IN THE CIRCUIT COURT OF

) JEFFERSON COUNTY, ALABAMA

) CRIMINAL CASE NO. CC 08-3774

COMES NOW the defendant in the above styled matter, and to the offense charged enters a plea of Not Guilty (and Not Guilty by Reason of Mental Disease or Defect).

Defendant further waives the right to have an Arraignment at which the defendant is present in person, or at which the defendant is represented by an attorney.

But the Defendant specifically and expressly reserves the right and with leave of Court hereby granted to defendant hereafter, but prior to the trial date, to interpose and special pleas or motions which he might legally have interposed prior to entering his said plea of Not Guilty.

I, WARREN BOSTER, Defendant, hereby acknowledge receipt of a copy of the charges against me. I am not eligible to be considered as a youthful offender.

Defense counsel served with Order for Discovery and Production.

Age:

DOB: 9/12/80

Warren Boster
Defendant

RECEIVED IN OFFICE

FEB 17 2009

ANNE-MARIE ADAMS
Clerk

John J. Ben
Attorney for Defendant

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
CRIMINAL DIVISION

ORIGINAL

STATE OF ALABAMA,

RECEIVED IN OFFICE

vs.

JUN 25 2009

ANNE-MARIE ADAMS
CIRCUIT CRIMINAL COURT

CASE NUMBERS: CC-08-3771 and
CC-08-3772

DURRELL BESTER,

Defendant.

MOTION FOR NEW TRIAL

Pursuant to Alabama Rules of Criminal Procedure 24.1, the Defendant, DURRELL BESTER, by and through his counsel, moves this Honorable Court for a new trial in above-styled causes, in which the Defendant was charged with trafficking cocaine, possession of drug paraphernalia and failure to affix a tax stamp. In support thereof would state:

1. The guilty verdict in these cases is contrary to law and/or to the weight of the evidence presented in these cases.
2. The cocaine involved in this case was found in a plastic shopping bag, used by many different shopping establishments. There was no forensic evidence of any kind linking the Defendant to said shopping bag.
3. At the time of his arrest, the testimony presented indicated the Defendant was approximately fifteen (15) miles from the location where the cocaine was found. The Defendant was not in actual possession of the cocaine. Additionally, due to the distance from the cocaine, the Defendant could not have had power to control and/or gain possession of the cocaine.
4. Additionally, this Honorable Court allowed the cocaine in evidence, despite a break in the chain of custody. The officer that took the cocaine to the forensics laboratory

SCANNED

testified she received the cocaine from one of the arresting officers. The arresting officer testified he placed the cocaine in a lock-box in the evidence room, and the cocaine was retrieved from that location.

5. Next, during the course of the trial, the State introduced a photograph of a small amount of marijuana that was found at the scene. The Defendant was not charged with possession of the marijuana. However, the introduction of said photograph was prejudicial for the Defendant in the eyes of the jury.

6. Also, this Honorable Court would not allow the defense in these cases to question the mother of the Defendant regarding a diagnosed medical condition concerning her nerves. Said testimony would have explained the discrepancy in what was claimed the mother told the police and what she intended to tell the police.

7. During the mother's testimony, the State produced a written statement by the mother. The State did not previously provide the Defendant with a copy of said statement. Over the Defendant's objection, this Honorable Court allowed the State to introduce this document.

8. Finally, during the sentencing in these cases, this Honorable Court sentenced the Defendant to a life sentence without the possibility of parole. Such a sentence in these cases constitutes cruel and unusual punishment and violates the Defendant's Constitutional rights.

9. Also, during the sentencing, the State represented to this Honorable Court that a gun was found in the vehicle the Defendant was ultimately arrested in. Again, the Defendant was not charged with possession of a firearm. The gun was found under the seat of the vehicle and the vehicle did not belong to the Defendant, nor was the Defendant the driver of the vehicle. The consideration of the gun was extremely prejudicial to the Defendant in this Court's consideration of his sentence.

10. As the Court of Criminal Appeals has held "[t]he court should grant a new trial in criminal case where prejudicial error was committed in rulings on pleading, introduction of evidence, argument of counsel or refusal of charges, when such grounds are presented by motion. Coins v. State, 30 Ala. App. 53, 1 So.2d 311 (Ala. Crim. App. 1941).

Wherefore, the Defendant respectfully requests that this Honorable Court issue an Order for a New Trial in these cases.

Respectfully submitted,



William H. Benson (BEN047)
Attorney for the Defendant
Durrell Bester

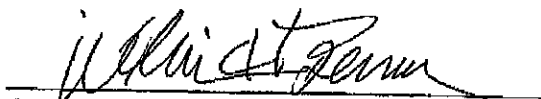
OF COUNSEL:

413-B Main Street
Trussville, Alabama 35173
(205)655-2665
(205)655-9552 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for New Trial, upon counsel via the receptacle provided by the Clerk's office for the District Attorney's Office this the 25th day of June, 2009:

Thomas Michael Anderton, Esq.
Deputy District Attorney
Criminal Justice Center
801 Richard Arrington Jr. Blvd. N
Birmingham, Alabama 35203



OF COUNSEL

COURT REPORTER'S INDEX OF TRIAL EXHIBITS — ARAP RULE 11(e)

IN THE CIRCUIT COURT OF Jefferson COUNTYAPPELLANT - Durrell Beester

VS.

STATE OF ALABAMA - or -

appellant

appellee

ACTION (Case)

Nos. CR-3771 ^{CR-3772}☐ State Criminal☐ Civil (Law)☐ City Appeal (Crim.)☐ Civil (Equity)TO: (name) Anne-Marie Adams CLERK OF CIRCUIT COURT OF Jefferson COUNTY.FROM: (name) Alicia Martin COURT REPORTER OF 10th JUDICIAL CIRCUIT OF ALABAMA

REPORTER'S INDEX TO EXHIBITS

The following EXHIBITS were received by the Court Reporter in above Action and same have been properly marked and identified. Where capable said exhibit(s) have been assembled herein (in flat file); where incapable of being assembled herein such exhibit(s) placed in suitable separate container. This index includes all exhibits and further indicates those offered, admitted or not admitted into evidence, etc. . . .

Party	Exhibit No.	BRIEF DESCRIPTION OF EXHIBIT	(/) Admitted Yes No	Iden. Only (/)	With- drawn (/)	Released By Court To Party (/)	Original Replaced By Copy (/)	In File (/)	In Con- tainer (/)	REMARKS, etc.
S	1	Scene Photo	✓							
S	2	" "	✓							
S	3	" "	✓							
S	4	" "	✓							
S	5	" "	✓							
S	6	" "	✓							
S	7	" "	✓							
S	8	" "	✓							
S	9	" "	✓							
S	10	" "	✓							
S	11	Black Box / Truck	✓							
S	12	Fld. Inside Residence	✓							
S	13	Drug Par.	✓							
S	14	Cocaine	✓							
S	15	Consent Form	✓							
S	16	Written Statement	✓							
C	1	Jury question	✓							

1) ABOVE INDEX RECEIVED & FILED 11-20-09
 2) EXHIBITS IN FILE &/OR CONTAINER VERIFIED (except as noted)

/s/ Anne-Marie Adams

CLERK

DATED THIS 26th DAY OF November, 2009/s/ Alicia Martin10th COURT REPORTER
JUDICIAL CIRCUIT

STATE'S
EXHIBIT